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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-fourth session

Summary record of the 1405th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 5 July 2016, at 10 a.m.

Chair: Ms. Hayashi

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* No summary record was issued for the 1404th meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Combined seventh and eighth periodic reports of the Philippines
(CEDAW/C/PHL/7-8; CEDAW/C/PHL/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*

2. **Ms. Rebong** (Philippines) said that the Philippines had consistently been ranked among the top 10 countries for gender equality in the Global Gender Gap Index during the previous 10 years. In the previous six years, the Government had promoted gender equality in all areas of life, leading to a significant improvement in the empowerment of women, who were now well represented in the public and private sectors; the Supreme Court, Public Attorney's Office and Civil Service Commission, among others, were headed by women.

3. The Convention was implemented through the Magna Carta of Women, which was incorporated into public policies and programmes through the Women's Empowerment, Development and Gender Equality Plan for the period 2013-2016, under which local and national agencies were required to devise gender development plans and allocate at least 5 per cent of their budget to implementing them.

4. Gender and development principles were being included in curricula at various levels of the education system, and public colleges and universities gave training in gender sensitivity. The Commission on Higher Education had called on all higher education establishments to include the gender perspective in their teaching, and Committees on Decorum and Investigation had been set up to combat sexual harassment. The updated guidelines on monitoring and evaluation procedures issued by the Commission on Human Rights of the Philippines extended to persons with diverse sexual orientations, gender identities and expressions of gender.

5. The Responsible Parenthood and Reproductive Health Law prioritized reproductive health-care services for women and facilitated access to them for rural, indigenous and Muslim women and women with disabilities. Employment opportunities and conditions for women had been improved through the Domestic Workers' Law and the repeal of the prohibition of night work for women. The "JobStart" employment programme, one of whose priority groups was young women, had been rolled out nationwide.

6. Efforts to combat trafficking in persons had been bolstered through the Expanded Anti-Trafficking in Persons Act and increased support for the Inter-Agency Council against Trafficking. Since 2005, 238 persons had been convicted of trafficking in the Philippines. The country had recently been upgraded to tier 1 in the United States Department of State *Trafficking in Persons Report*, the highest ranking for efforts to comply with minimum standards for the elimination of trafficking, and had been ranked first in Asia in the Walk Free Foundation's Global Slavery Index. The Philippines had acted as the lead country on trafficking in the Association of Southeast Asian Nations (ASEAN) and had signed the ASEAN Convention against Trafficking in Persons, Especially Women and Children.

7. It was expected that legislation to combat the mail-order spouses industry, prevent age discrimination in the workplace and provide sign language interpreters in the legal system would be adopted soon. A holistic view was taken of matters relating to indigenous persons. Women participated in, and indeed led, many of the peace processes in the country, and the national action plan that was required under Security Council resolution 1325 (2000) on women, peace and security was being implemented. Women were the main recipients of conditional cash transfers, which were aimed at ensuring their children's welfare. Couples

received training on family development, including family planning and parenting, and were made aware of legislation to combat violence against women.

8. Filipinos working overseas, particularly women, were protected by a strategy that aimed to guarantee decent wages and working conditions for domestic workers, provide orientation programmes and training once abroad and conclude bilateral agreements with destination countries. Filipinos returning to the country benefited from a reintegration programme, and foreign agencies that recruited Filipino workers were required to pay deposits and ensure their recruits' welfare.

9. Women were recognized as effective first responders during disasters and had been granted important roles in that regard. Persons working in the legal system had received training on gender sensitivity, women's and children's rights and trafficking. Information on the Magna Carta of Women and violence against women had been disseminated through various events and campaigns. As a result, reporting rates of violence against women had increased.

10. The former President had been appointed a Head of State champion for the "HeForShe" campaign and had committed the country to increasing its support for the fight to end violence against women and to promoting women's economic empowerment and men's engagement in gender equality. The financial and human resources of the Philippine Commission on Women had been increased significantly.

11. The Philippines had adopted the 2030 Agenda for Sustainable Development, and an Inter-Agency Committee on Gender Statistics had been established to gather data on the Sustainable Development Goals. The Government worked with civil society and non-governmental organizations to eradicate violence against women, and the periodic report had been validated by various stakeholders.

Articles 1 to 6

12. **Ms. Patten** said that, although the enactment of the Magna Carta of Women represented a significant milestone, a great deal of discriminatory legislation remained. She asked what steps were being taken to review, amend and repeal discriminatory provisions of the Family Code, the Code of Muslim Personal Laws and the Anti-Rape Law, to cite a few examples, and adopt new legislation and what the time frame for that process was. She wished to know whether the Convention took precedent over the Magna Carta of Women. She invited the delegation to comment on the views adopted by the Committee in relation to communications Nos. 18/2008 (CEDAW/C/46/D/18/2008) and 34/2011 (CEDAW/C/57/D/34/2011). In both cases, the Committee had found that the State party had violated the Convention.

13. The Committee had been informed that the Government's exploitation of natural resources and its prioritization of corporate economic interests, as well as the alleged increased militarization of mining areas, posed a serious threat to defenders of indigenous women's human rights. She asked what was being done to address the disproportionate impact of large-scale mining operations on indigenous women and their vulnerability to many types of human rights violations and to what extent the Government guaranteed indigenous peoples' rights, including their right to be consulted prior to such projects.

14. **Ms. Nwankwo** said that despite efforts to improve women's access to justice, several barriers remained, particularly for vulnerable women. She would welcome information on any efforts to overcome those barriers, including through legal aid. She would also like to know what was being done to stop the multiple and intersecting forms of discrimination experienced by women living in poverty, women with disabilities, indigenous and Moro women, women in remote areas and women with diverse sexual orientations, gender identities and expressions of gender who faced displacement, forced

relocation and violence as a result of development projects. She asked whether vulnerable women received specific assistance from the Gender Ombud when reporting cases of discrimination or violence, whether there were plans to employ sign language interpreters in all legal facilities and what efforts had been made to guarantee access to justice, particularly by addressing the stigma associated with and discrimination against women with diverse sexual orientations, gender identities and expressions of gender.

15. **Ms. Verzosa** (Philippines) said that, under the Women's Priority Legislative Agenda, a number of bills aimed at amending the Family Code had been put forward but remained pending. A bill to amend the Anti-Rape Law had also been introduced. The bill was intended, inter alia, to give greater prominence to the element of lack of consent in the existing definition of rape and to remove the "forgiveness" clause from the Law. The proposed amendments to the revised Penal Code concerned adultery and concubinage and the possible harmonization or removal of the penalties carried by those offences. Despite the fact that an anti-discrimination bill had not yet been passed, several bills to protect the rights of persons with diverse sexual orientations and gender identities had been brought before Congress. Moreover, at least 17 local governments had issued ordinances to protect the rights of those persons. It was hoped that the aforementioned bills would be approved by Congress in the near future.

16. **Ms. Mutin** (Philippines) said that there was no conflict between the provisions of the Code of Muslim Personal Laws, which governed marital relations, and those of the Magna Carta of Women, as the Code recognized and preserved the cultural identity and integrity of women, including indigenous women. Although the Code could be interpreted by non-Muslims as being discriminatory towards women, Muslims considered it to be based on and sanctioned by the Koran. On that basis, it was considered to prevail over Philippine civil law.

17. The proposal to amend the provisions of the Code of Muslim Personal Laws relating to polygamy and early and forced marriages among Muslims was still under discussion. Religious leaders in the Autonomous Region in Muslim Mindanao had endorsed a fatwa, or formal legal opinion, on the model Muslim family, which covered early and forced marriage, premarital counselling, comprehensive gender and health education for young people and gender-based violence. The fatwa stated that young Muslims should only marry when they had reached the required level of maturity. The generally accepted marriageable age for Muslims was 20 for men and 18 for women.

19. It was customary for Muslim women to approach a religious leader for assistance in resolving disputes or conflicts. Another customary practice was for a representative of the two parties to a dispute to meet and negotiate a mutually acceptable solution. In cases of divorce, when all attempts at reconciliation between Muslim couples had failed, a mutual agreement was drawn up, including a property settlement. Summary proceedings were instituted when a case was brought before the formal courts. However, an arbitration council comprising a court clerk and the representatives of the parties was formed prior to the divorce proceeding. Muslim women therefore had access to justice through both the customary and formal justice system.

21. **Ms. Dait-Cawed** (Philippines) said that the Government guaranteed the security of indigenous peoples living in areas where mining and other extractive activities took place by issuing certificates and land titles recognizing their ancestral land rights. Indigenous peoples could not be displaced from their ancestral lands if their free, prior and informed consent had not been obtained. Mining and resource extraction companies had to be in possession of an environmental compliance certificate and to have drawn up a social development plan with the communities that would be affected by their activities before they could be granted permission to operate in the Philippines. Those companies were also required to respect the right of workers to participate in policymaking and decision-making

processes affecting them and the rights, customs and traditions of local communities, including indigenous peoples.

22. The National Commission for Indigenous Peoples had signed a memorandum of understanding with the Armed Forces of the Philippines, under which both parties were to cooperate in examining any issues or concerns arising from the military presence in communities where mining or other extractive activities were taking place. The Commission had also set up a mechanism to coordinate inter-agency efforts to deal with violations of indigenous peoples' rights, including those committed by non-State actors. A coordinating committee tasked with overseeing dialogue between all mining industry stakeholders, reviewing all laws, regulations and agreements relating to the mining sector and making relevant recommendations to the Government had also been set up.

23. **Ms. Pajarito** (Philippines) said that, in the Philippines, national law prevailed over international law in cases of conflict between them. While the Government respected the customary laws of indigenous peoples and the Code of Muslim Personal Laws, it was also mindful of the need to fulfil its obligations under the Convention. To that end, it conducted dialogues and campaigns to raise the awareness of Muslim and indigenous leaders of women's rights and continued to review customary laws that discriminated against women.

24. Pursuant to a directive of the Supreme Court in 2004 authorizing the recruitment of sign-language interpreters to assist deaf persons during court proceedings, an increasing number of courts were now providing sign-language interpretation services. A bill requiring quasi-judicial bodies and tribunals to ensure the availability of those services in all proceedings involving deaf persons had been approved by Congress and was awaiting the signature of the President. The Department of Justice dispensed gender and disability awareness training with a view to improving the services and protection provided to women with disabilities.

25. Persons whose rights had been violated could seek a judicial remedy and/or claim compensation under existing laws and procedures without prejudice to the applicable statute of limitations. With respect to the question raised concerning communication No. 18/2009, it was regrettable that Karen Vertido had failed to avail herself of the legal remedies available to her within the prescribed period of time. However, the Government would explore the possibility of drafting a bill to address the Committee's concerns over the compensation payable to persons whose rights had been violated. The Government would respond to the views of the Committee after inter-agency consultations were complete.

26. Under the aforementioned bill to amend the Anti-Rape Law, the existing definition of rape would be changed to give greater prominence to lack of consent and the requirement for force or violence to be an element of the crime and for proof of penetration to be provided would be removed. Furthermore, the age limit for statutory rape would be raised. The Government continued to provide gender sensitivity training to judges, prosecutors and judicial officers on sexual violence and medical care and legal services to victims of such violence, including persons with disabilities.

27. Several rape crisis centres had been set up to provide rape victims with legal assistance, counselling and medical care. The Commission on Human Rights, which served as the Gender Ombud, also provided legal assistance to women whose human rights had been violated. The Public Attorney's Office provided indigenous women with legal representation free of charge in criminal, civil, labour and administrative proceedings. Indigenous women could also obtain legal assistance through the Indigenous Peoples Legal Assistance Fund.

28. Under Philippine electoral law, persons judged to be insane were not entitled to vote. A law had been passed to ensure that polling stations were accessible to persons with disabilities and the older persons.

29. **Ms. Verzosa** (Philippines) said that the Government was aware of the fact that vulnerable groups of women were disproportionately exposed to multiple and intersecting forms of discrimination. It met frequently with representatives of those groups and took note of their concerns with a view to making the necessary legislative amendments.

30. **Ms. Nwankwo** asked whether the State party envisaged taking measures to address the stigma attached to women with diverse sexual orientations and gender identities and to improve the gender sensitivity of justice institutions, including transitional justice mechanisms.

31. **Ms. Patten**, noting that the Committee had adopted its views on the case of Karen Vertido in 2010, asked when the legislation that would enable her to receive adequate compensation would be enacted. She invited the delegation to describe the measures that it had taken to comply with the Committee's views in *R.P.B. v. the Philippines*.

32. **Ms. Jahan** asked whether the Convention and the Optional Protocol had been translated into the various regional and indigenous languages spoken in the country and how data were collected on the groups of women most frequently exposed to multiple and intersecting forms of discrimination.

33. **Ms. Verzosa** (Philippines) said that the Government was working on a new law to allow the payment of compensation when the treaty bodies found the human rights of a person or a group of persons to have been violated. Training had also been provided to police officers with the aim of reducing the stigmatization of persons with diverse sexual orientations, gender identities and expressions of gender. The training had led to improved procedures for dealing with cases of domestic violence involving transgender persons. A transgender woman had recently been elected to serve as a member of a provincial government and had promised to pursue the adoption of the anti-discrimination bill.

34. The Government had drafted a reply to the Committee's views in *R.P.B. v. the Philippines* and would transmit it to the Committee once the necessary consultations had taken place. The Convention had been translated into various languages. Both the Convention and the Magna Carta of Women were available in hard copy and could be consulted online. Collecting data on the groups of women most frequently exposed to multiple and intersecting forms of discrimination remained a challenge. However, the Philippine Statistics Authority collected data on indigenous people and persons with disabilities as part of the national census.

35. **Ms. Nwankwo** said that the State party was to be commended on having expanded the mandate and elevated the status of the newly renamed Philippine Commission on Women. She asked whether the Commission was endowed with sufficient human and financial resources to enable it to execute its mandate effectively. She also wished to know what steps had been taken by the State party to enhance the monitoring of expenditure under the gender and development budget and to ensure the judicious use of the resources available under that budget by local governments and State-run companies.

36. Noting that the Women's Empowerment, Development and Gender Equality Plan, which served to implement the Magna Carta of Women, was coming to an end in 2016, she asked how the State party intended to evaluate the results achieved under the Plan thus far and to adopt a new plan to replace it.

37. While the State party was to be commended on its efforts to build the capacity of the Commission on Human Rights, the Committee had received reports of a general lack of political will to act upon its findings and recommendations in respect of violations of the

Magna Carta of Women. She asked whether the State party planned to enact legislation to strengthen the independence of the Commission and to make its recommendations binding on those agencies responsible for punishing violations of the Magna Carta of Women.

38. She asked what steps had been taken by the State party to act upon the various recommendations contained in the report of the Transitional Justice and Reconciliation Commission. She would also welcome information on the recommendations made by the Commission on Human Rights on the case involving flight attendants who had been discriminated against on the grounds of their age and sex and on the case involving a minor who had been discriminated against on the basis of her sexual orientation, whose case had been dismissed by the lower courts.

39. **Ms. Gbedemah** said that, while she welcomed the raft of temporary special measures adopted by the State party to accelerate the substantive equality between men and women presented in paragraphs 5 to 5.4 of the written replies (CEDAW/C/PHL/Q/7-8/Add.1), the fact that many of those measures were contained in bills that were still pending before Congress was a major cause for concern. She asked when the State party expected the bills to be approved. It would also be useful to learn how it monitored the impact of the temporary special measures that had been adopted and tracked trends in the participation of women in political and public life and in the diversity of women's representation in political and public bodies over time. She also wished to know what penalties were imposed for non-compliance with temporary special measures and whether the State party intended to adopt further temporary special measures for women with disabilities. It would also be helpful to receive additional information on the community-based social protection scheme to support women with disabilities mentioned in the Magna Carta of Women; on the mechanisms for monitoring compliance with the executive order on the employment of persons with disabilities; and on the specific interventions carried out on behalf of indigenous and Muslim women and women with disabilities under the Women's Empowerment, Development and Gender Equality Plan.

40. **Ms. Verzosa** (Philippines) said that a programme to accelerate the implementation of the Magna Carta of Women had been devised and submitted for approval. The creation of 21 new posts within the Philippine Commission on Women would allow it to open a new division responsible for, inter alia, the monitoring of expenditure under the gender and development budget. It was hoped that more posts could be created in the future. The Government ensured the judicious use of the resources available under that budget by local governments by issuing joint circulars and providing local government officials with training on budget management. Regional coordinating bodies played a role in informing government agencies of their obligations in respect of the gender and development budget and could provide technical assistance if required. The gender and development budget was subject to an annual assessment. Government agencies were required to formulate gender and development plans that were in step with the Women's Empowerment, Development and Gender Equality Plan and could make use of guidelines and checklists to determine whether their plans were gender-sensitive. Budgetary resources were allocated on the basis of ratings given by the Philippine Commission on Women. The Commission was in the process of developing a new framework for monitoring and evaluating the gender and development plans drawn up by the different government agencies.

41. Under the new administration, an assessment would be conducted of the Women's Empowerment, Development and Gender Equality Plan and a new plan would be formulated on that basis. A progress report of the Magna Carta of Women had revealed that the gender and development perspective had been integrated into most Government departments, including those responsible for energy and tourism. It was nevertheless essential that real changes were made in women's lives, and the Committee's support in improving tracking and monitoring in that regard would be welcome. Improvements on the

ground had nevertheless been noted owing to initiatives such as the Gender Responsive Economic Actions for the Transformation of Women (GREAT Women) Project, which fostered enabling environments for women's economic empowerment and included capacity-building for women micro-entrepreneurs, and the decision to make women the primary bearers of the Philippine Health Insurance Corporation (PhilHealth) card.

42. **Ms. Rebong** (Philippines) said that monitoring was carried out to ensure gender and development mainstreaming at all levels. The pool of gender trainers on the Philippine Commission on Women had been expanded to provide training in women's empowerment to trainers who subsequently engaged with bodies at the local level and rural areas, thereby extending the Commission's outreach to the entire population. The Commission was also subject to auditing and reviews to measure the impact of its programmes. The Department of Foreign Affairs allocated 5 per cent of its budget to the implementation of women's empowerment programmes.

43. **Ms. Villar** (Philippines) said that the conditional cash transfer programme provided women with cash grants in order to ensure that their children went to school and had access to health care. The programme had benefited 4.4 million households to date, with around 89 per cent of those receiving cash grants. The programme comprised parenting skills training and monthly family development sessions run by NGOs and civil society organizations on, inter alia, disaster risk reduction management, active citizenship and gender sensitivity. The coordination of other support services, such as the "Sustainable Livelihood" programme, with the conditional cash transfer programme strengthened the social benefits afforded to women.

44. **Ms. Sy** (Philippines) said that the Philippine Commission on Women and the Department of Labour and Employment were advocating the enactment of a bill to give effect to the International Labour Organization Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), with a view to empowering women in the informal sector. In addition, the Integrated Livelihood and Emergency Employment programme offered grants, raw materials and skills training to poor and marginalized workers to enable them to secure their livelihood and develop sustainable enterprises. From 2010 to 2015, around 600,000 women workers in the informal sector had benefited from the programme. Women's employment rate was slightly higher than men's, women salaried workers made up almost 40 per cent of the salaried workers in the country, and the average basic wage of women was higher than that of men. The health of the economy was therefore partly attributable to women's contributions.

45. **Ms. De Dios** (Philippines) said that a court ruling had recently been handed down in favour of the retired female flight attendants who had filed an age and gender discrimination suit against Philippine Airlines, which had set an important precedent. Recently introduced legislation stipulated that a minimum of 1 per cent of all positions in government agencies should be filled by persons with disabilities. A number of public bodies, including the Philippine Commission on Women itself, had statutory requirements for the recruitment of women from a cross section of the population, including indigenous and Muslim women. The Local Government Code also established requirements for women's representation in local legislative bodies. The armed forces were encouraged to increase women's representation and the Civil Service Commission was making efforts to promote the recruitment of women to management positions. A bill establishing a quota for women of 30 per cent of parliamentary seats had not been passed, and discussions were being held to identify other ways to address the issue of women's proportional representation in the parliament. Certain smaller parties, however, had already secured proportional representation of women. Lastly, the Philippine Congress had recently elected its first transgender person.

46. **Ms. Verzosa** (Philippines) said that the Commission on Human Rights was not empowered to conduct investigations. A bill was pending in Congress, however, to strengthen the mandate of the Commission. A recommendation to that effect by the Committee in its concluding observations would be welcome, as a broader mandate would improve the Commission's ability to follow up on reported violations of the Convention. While it was regrettable that the case of the minor who had been subjected to discrimination on the basis of sexual orientation had been dismissed by a lower court, it was expected that an appeal against the decision would be brought.

47. **Ms. Gbedemah** said that the Committee would appreciate disaggregated data on the participation of persons with disabilities in public life.

48. **Ms. Jahan** asked whether a comprehensive awareness-raising strategy was in place aimed at target groups, such as traditional and religious leaders and judicial officials, to combat the patriarchal attitudes entrenched in society. She asked what action the Government took in response to derogatory and discriminatory statements made by public officials. She would like further information on the possibility of introducing gender sensitivity training for all Government officials.

49. In view of the underreported violence against women owing to stigmatization, she asked what was being done to encourage women to lodge formal complaints and to raise awareness of the criminal status of acts of violence against women. She wished to know why violence against women had increased between 2011 and 2015 and whether prosecutions had been brought and sanctions imposed. She would like to know what policy measures had been taken to counter the culture of impunity relating to acts of violence against women, including rape, and whether the State party envisaged adopting broader legislation in order to cover all forms of violence, such as violence against persons with disabilities and indigenous persons, violence in the context displacement due to armed conflict and natural disasters and stalking. She wondered whether an assessment had been carried out to determine the impact of the all-female unit in the National Police for crimes committed against women on the rate of domestic violence and the extent to which women police officers were involved in investigations into such cases. Information would be appreciated on the women's desks in police stations, which were reported to be largely inoperative. Lastly, could the delegation provide information on the number of shelters for women in the country?

50. **Ms. Gabr** said that trafficking in persons both within and outside the country would remain a problem as long as the levels of poverty persisted in the State party. She asked whether the Government envisaged reviewing legislation on offences related to trafficking in persons, such as the law to combat the practice of mail-order brides. She also wondered whether there were plans to collect data, disaggregated by age and sex, on the causes of trafficking in persons in the most heavily affected regions, with an eye to prevention, protection and awareness-raising. Noting that victims of trafficking were often placed in protection shelters with victims of domestic violence, she highlighted the importance of establishing shelters specifically for women victims of trafficking. She asked what plans were in place for the improvement of victim identification and referral mechanisms to prevent the recurrent exploitation of women for the purposes of trafficking. Further information would be appreciated on reports of trafficking of women with disabilities and on plans to deal with that particular problem. Procedures for the prosecution of traffickers and officials conspiring with perpetrators should be strengthened, and proceedings concerning trafficking in persons should be streamlined. What accounted for the delay in the adoption of the anti-prostitution bill and when was the bill expected to be passed? What measures were envisaged to discourage the demand for prostitution and to protect and rehabilitate the women involved?

51. **Ms. Verzosa** (Philippines) said that various legislative provisions addressed violence against women, such as the Anti-Sexual Harassment Law, which was to be amended to cover peer harassment, and the Anti-Violence against Women and their Children Act. While no consideration had been given to the development of a comprehensive law to cover all forms of violence against women, the Government might initiate discussions on the formulation of legislation to protect specific groups of marginalized women, such as internally displaced women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The Inter-Agency Council on Violence against Women and their Children had been established to address violence and operated in cooperation with various ministries to strengthen implementation of preventive and protection measures and awareness-raising. The National Demographic and Health Survey included data on the forms of violence committed against women, with the 2013 Survey revealing that a fifth of women between the ages of 15 and 49 had been abused. The Survey would be conducted in 2017 to determine the impact of current measures in that area. Violence against women desks had been set up in 87 per cent of villages throughout the country to provide women with access to remedies at local level, and systems were being developed in cooperation with the Women's Sectoral Council to assess the impact of those desks. Training was provided to desk officers on how to treat women victims of violence. In addition, the Inter-Agency Council against Trafficking and the Inter-Agency Council against Child Pornography had been established with a view to channelling efforts to combat crimes in those areas. Although there was no legislation in place to address stalking, ordinances existed which dealt with street harassment.

52. **Ms. Pajarito** (Philippines) said that the Expanded Anti-Trafficking in Persons Act, adopted in 2013, was constantly under review and covered offences involving mail-order brides. Discussions were under way with stakeholders concerning data collection on trafficking in persons with a view to identifying the most affected regions. The Inter-Agency Council against Trafficking currently gathered data on the numbers of reported victims, the number availing themselves of national legal and social services and the number of trafficking cases brought before the courts.

53. The Inter-Agency Council against Trafficking guidelines for combating trafficking in persons at international airports had been implemented in 2012 and revised in July 2015. Under the guidelines, the Bureau of Immigration had the authority to defer a passenger's travel from airports and seaports on one of three grounds: being in possession of fraudulent travel documents; having a doubtful purpose for travel; or being identified as a possible victim of trafficking. In cases where a possible victim was identified, the person was referred to the Task Force against Trafficking in Persons. As a result of that preventive measure, the annual number of travel deferrals had risen from around 850 in 2012 to just under 4,000 in 2015. The Commission on Filipinos Overseas also ran pre-departure guidance programmes for Filipino women who were spouses, fiancées or partners of foreign nationals or former Filipino nationals and referred any persons identified as possible victims of trafficking either to the Task Force or to the relevant law enforcement agency. The Commission, in partnership with the Philippine Overseas Employment Administration and recruitment agencies, also ran mandatory pre-employment orientation seminars, both in person and online, which had benefited more than 340,000 people. The Inter-Agency Council against Trafficking had a "public assistance corner" section on its website, where people could submit queries and complaints.

54. While the 44 women's shelters around the country currently accepted women who had been the victims of different forms of violence, the Inter-agency Council against Trafficking intended to build during 2016 a processing centre solely for male, female and child victims of human trafficking. Pending the completion of that facility, a temporary processing centre had been set up, with the building provided free of charge by a faith-based group and the operating costs covered by the Government. Social workers were

available in the centre to support the victims, and police officers could interview them there rather than at a police station.

55. Since 2005, 230 cases of human trafficking had resulted in the conviction of a total of 263 people, including 6 foreign nationals and 4 public officials. A further 7 criminal and 17 administrative cases against public officials were ongoing. The penalties applied were increased when the accused was a public official.

56. While there had been no cases of human trafficking where the victims were persons with disabilities, there had been one case involving a deaf witness, who had been provided with a sign language interpreter.

57. **Mr. Larga** (Philippines) said that the Philippine Overseas Employment Administration was the primary body for regulating recruitment agencies and protecting migrant workers. The Administration had run community and local government campaigns to prevent human trafficking and had recently introduced a mandatory pre-departure orientation seminar for first-time migrant workers traveling abroad for employment, which included a module on human trafficking and how to avoid becoming a victim of the practice. Through a data-sharing programme with the Bureau of Immigration, the names of migrant workers presenting travel documents at an airport could be checked against the database of the Administration: if workers were not found in the list of persons whose papers had been processed by the Administration, they were referred back to the Administration, and the recruitment agency involved was investigated and could potentially lose its operating licence as a result. Advertisements and public service announcements aiming to prevent human trafficking had also been aired on television and radio channels and shown at cinemas.

58. **Ms. Villar** (Philippines) said that the referral system on the recovery and reintegration of trafficked persons aimed to strengthen the network of referral agencies and establish a framework of interventions and services for victims of trafficking, while the referral system on violence against women and children aimed to provide an integrated and coordinated community response to ensure the safety of victims of violence against women and the accountability of the perpetrators.

59. The Government had opened rape crisis centres in two pilot regions: the centres provided access to doctors, police officers, prosecutors and social workers and provided a comprehensive programme for the recovery and reintegration of victims of rape. As a result of the pilot, an operating manual was now available for use in the creation of more centres in other regions.

60. Another Government initiative was the establishment of women-friendly spaces in evacuation centres, which aimed to address the practical and strategic needs of women during crisis situations. Such spaces had been set up in partnership with local government units, civil society organizations and the United Nations Population Fund to provide systematic gender-responsive service delivery to protect internally displaced women from violence and abuse.

61. Around the country, 11 centres for girls aged under 18 provided protection, treatment and rehabilitation for victims of abuse or exploitation, while 9 centres for women aged 18-59 provided temporary shelter and protective custody to victims of physical or sexual abuse, forced prostitution and armed conflict. The centres provided a range of services, including health and nutrition, skills training and legal assistance. The Government hoped to establish more such centres in other regions in due course.

62. The Department of Social Welfare and Development had implemented a programme to ensure the delivery of adequate recovery and reintegration services for victims of human trafficking. The programme employed a multisectoral approach to meeting the social,

psychological and economic needs of such victims and was running in all 17 regions of the country, including the Autonomous Region in Muslim Mindanao. A conditional cash transfer programme also provided support for victims of trafficking and for their families.

63. The men's organization Men Opposed to Violence Against Women Everywhere (MOVE) was actively involved in fighting discrimination against women and was currently finalizing a manual to ensure that all male employees and service users in the Department engaged with the organization. The Empowerment and Reaffirmation of Paternal Abilities programme sought to promote the importance of the role of fathers and the sharing of household tasks and to eliminate machismo and traditional gender roles.

64. **Ms. Rebong** (Philippines) said that the Inter-Agency Council against Trafficking would forward to the Committee in due course the statistics requested on human trafficking, disaggregated by age and sex.

65. **Ms. De Dios** (Philippines) said that the Government recognized that sustained efforts were required in order to reduce the stereotyping of women. The media industry had set up a self-regulating mechanism to sanction outlets which demeaned women, and any outlets that did so could be suspended for a period of time. Guidelines had been sent to media outlets on how women and children should be portrayed; any outlet violating the guidelines would face administrative penalties and could potentially face a congressional hearing on the matter. The Philippine Commission on Women in particular had spoken out against the use in the media of degrading language by public officials.

66. The passing of the Anti-Prostitution Bill had been delayed because the repeal of article 202, on vagrancy and prostitution, of the Criminal Code was still being processed. Currently, only the Anti-Trafficking Law penalized the demand side of prostitution. Every effort would be made, however, to ensure that the bill was a priority for the incoming Government.

67. **Ms. Jahan** asked whether an anti-stalking ordinance was in place; whether the age for statutory rape would be raised from 16 to 18; what action the State party intended to take regarding the recommendation of the Commission on Human Rights for all officials employed by the Civil Service Commission to undergo mandatory gender sensitivity training; and what was being done to combat the phenomenon of online broadcasting of the sexual abuse of children, particularly girls, by family members.

68. **Ms. Pajarito** (Philippines) said that, with regard to the online broadcasting of the sexual abuse of children by family members, the Government was strengthening its partnerships with the authorities of other nations, including the United States of America, the Netherlands and Australia. In one particular case, a foreign government had provided an IP address, which the national authorities had successfully tracked to a location in Mindanao. The victims in the cases were not required to testify: cases could be brought based on electronic evidence and the testimony of law enforcement officials. In April 2016, a case had been successfully prosecuted based on the testimony of national and foreign law enforcement officials.

69. **Ms. Rebong** (Philippines) said that the Civil Service Commission training programme had been in place prior to the recommendation made by the Commission on Human Rights; however, the Government needed to intensify its efforts to reach all officials at the highest and lowest levels of the Civil Service Commission.

70. **Ms. Verzosa** (Philippines) said that Quezon City had recently passed an ordinance on the stalking and harassment of women as part of a pilot initiative under the Safe Cities programme run by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and it was hoped that more ordinances would follow in other cities.

Efforts were being made to harmonize legislation on rape and set the age of statutory rape at 18.

Articles 7 to 9

71. **Ms. Zou** Xiaoqiao, while commending the State party on its success in achieving gender parity in third-level positions of the civil service in just five years, asked what measures had been taken to ensure the participation and equitable representation of women in decision-making processes; whether the Government planned to introduce quota systems for women at all levels of the legislative, executive and judicial branches of power; and how the Government would ensure the effective involvement of women from disadvantaged groups in the development of legislation and policies, particularly those which directly affected them, and in political and public life in general. She also wished to have further details of the Political Party Development Act, including its status and timeline for adoption. She wondered what the most recent statistics were on the representation of women in diplomatic positions and international organizations; whether the Government intended to take further measures to encourage the participation of women at decision-making levels in those fields; whether there had been a systematic assessment of the success of the Philippine National Action Plan on Women, Peace and Security for the period 2010-2016 for the implementation of United Nations Security Council resolutions 1325 (2000) and 1820 (2008); whether that Plan would continue beyond 2016; and what degree of participation had been enjoyed by women in the implementation of the Plan.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1406

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
12 July 2016

English only

Committee on the Elimination of Discrimination against Women
Sixty-fourth session

Summary record of the 1406th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 5 July 2016, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Philippines (continued)

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Philippines (continued) (CEDAW/C/PHL/7-8; CEDAW/C/PHL/Q/7-8 and Add.1)

Articles 7 to 9 (continued)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*

2. **Ms. Verzosa** (Philippines), replying to questions posed at the previous meeting, said that statistics from the Commission on Elections demonstrated that more women than men had registered to vote in the recent 2016 elections. The number of women candidates elected, however, remained well below the 50 per cent target, at just 17.5 per cent, although that figure was based on partial election results. The Philippine Commission on Women organized events and used crowdsourcing on social media to foster women's participation in the shaping of Government policy. Progress had been made towards achieving the 50 per cent quota introduced to ensure women's equal representation in third-level managerial positions, with around 44 per cent of those positions currently being occupied by women. Lastly, several bills aimed at promoting women's equal representation in political parties had yet to be approved, and efforts would be made to ensure that those bills were prioritized in Congress.

3. **Ms. Rebong** (Philippines) said that 44 per cent of Filipino ambassadors and chiefs of mission and 45 per cent of high-ranking positions within the Department of Foreign Affairs were occupied by women. It was therefore hoped that an equal gender balance would soon be achieved. In the meantime, the Government would make use of information campaigns and the Committee's upcoming recommendations in order to encourage more women to seek out high-level roles in different sectors.

4. **Ms. Sobritchea** (Philippines) said that indigenous communities were represented on planning and decision-making bodies at the national level, where a goal of 30 per cent for women's participation had been set, and similar quotas at other levels of government had been introduced in order to foster the active engagement of indigenous peoples.

5. **Ms. Jahan** said that she would welcome clarification on whether the Citizenship Retention and Reacquisition Act and the Magna Carta of Women provided women and men with equal rights to transmit Philippine citizenship to their children and to foreign spouses. She also wished to know to what extent information had been disseminated about the Act and whether data could be provided on the number of Filipino women who, having lost their Philippine citizenship, had subsequently reacquired it.

6. **Ms. Rebong** (Philippines) said that, under the Constitution, both Filipino women and men had the right to transfer their Philippine citizenship to their children. Filipino women who were required to become naturalized citizens of another country owing to marriage to a foreign national were able to retain their Philippine citizenship.

7. **Ms. Zou** Xiaoqiao said that she wished to know whether there had been any systematic impact assessment of the Philippine National Action Plan on Women, Peace and Security for the period 2010-2016 for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) and whether the Plan would continue beyond 2016.

8. **Ms. Verzosa** (Philippines) said that there was an ongoing assessment of the impact of the Philippine National Action Plan on Women, Peace and Security and that the

indicators used to track implementation of the resolutions were in line with international standards.

9. **Ms. Mutin** (Philippines) said that women occupied many high-level positions in the peace negotiations. The rights of women in conflict-affected areas were protected under the Magna Carta of Women and, in 2010, the Philippines had become the first country in Asia to implement a national action plan on women, peace and security. Women's organizations had been actively participating in the implementation of the Plan, particularly in marginalized areas such as the Autonomous Region in Muslim Mindanao. A women's organization had recently conducted an impact assessment of the status of implementation of the National Action Plan on Women, Peace and Security in the Autonomous Region, which had found that there had been good collaboration between the Government and local government units. Lastly, the National Steering Committee on the National Action Plan was also in the process of implementing a monitoring and evaluation programme.

10. **Ms. Rebong** (Philippines) added that the National Action Plan would continue to be implemented after 2016.

Articles 10 to 14

11. **Ms. Bailey** said she was concerned that the school enrolment figures, which had led the State party to focus primarily on reducing boys' dropout rates, masked the fact that many girls had not attended school. For example, the 2010 net enrolment ratio for girls in secondary education was just 66 per cent, which meant that 34 per cent had not been enrolled. She would be interested to know where those girls were and why they were not in school; whether there were specific obstacles preventing their attendance; and what action, including the use of temporary special measures, had been taken or was envisaged to ensure that those girls had access to education. In that connection, she wondered whether the bill on education contained measures to facilitate the integration of children with special needs into mainstream education and foster an inclusive education system with appropriately trained teachers.

12. She wished to know whether Committees on Decorum and Investigation had now been established in all schools and tertiary institutions and whether those Committees were empowered to investigate cases of sexual harassment and make recommendations to the relevant authorities for action.

13. Lastly, she asked what action had been taken or was envisaged to increase the enrolment of women and girls in science, technology, engineering, agriculture and mathematics courses and to put an end to gender segregation in fields of study, which limited women's career prospects.

14. **Mr. Bruun** said that while recent achievements made in the area of employment were commendable, such as the repeal of certain discriminatory provisions in the Labour Code and the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the Committee had serious concerns about the number of women working in the informal sector. He wished to know what measures had been taken to protect those women, in particular to provide them with basic social security and other benefits, and to promote their integration into the formal economy. Similarly, he was concerned that women migrant workers, indigenous women and women with disabilities faced considerable obstacles to entry into the labour market, and he wondered whether the application of the Domestic Workers Act was being monitored.

15. He wished to know what steps were being taken to challenge stereotypes regarding occupational gender segregation and reduce the considerable gender pay gap. In that connection, he urged the State party to review its very narrow interpretation of "work of equal value" under the national law with a view to bringing the definition of that concept

into line with that of the Convention and to introduce objective job evaluation schemes to promote equal pay.

16. Lastly, sexual harassment in the workplace seemed to be a major problem, and yet very few data had been provided on the matter, particularly in relation to the private sector. He wished to know whether the State party had begun to collect data on complaints relating to harassment and how the Government intended to ensure that the pending anti-sexual harassment bills, once passed, would lead to effective measures on the ground.

17. **Ms. Chalal**, while commending the enactment of the Responsible Parenthood and Reproductive Health Law, said that many women, particularly rural women, women with disabilities, indigenous women and Muslim women, faced severe difficulties in accessing health-care services and were often subjected to humiliation in health centres. She asked whether the State party planned to increase the financial, human and technical resources in the health-care sector to improve health-care coverage, particularly in hard-to-reach areas; whether a bill had been formulated to legalize abortion in certain cases; whether the sanctions against women who sought clandestine abortions had or would be lifted; and why grounds on which an abortion was permitted were not included in the final draft of the Philippine Code of Crimes.

18. On the issue of HIV/AIDS, she wished to know how many women were living with HIV in the State party, in particular women engaged in prostitution, and what measures had been taken to protect HIV-positive women from discrimination and contain the spread of HIV. On that point, she enquired what had been the outcome of the measures introduced to reduce and prevent infection rates, particularly in the light of the 800 new cases diagnosed so far in 2016. She also wished to know whether sex education in schools was delivered by adequately trained professionals; whether the State party had achieved its goal of significantly reducing the maternal and neonatal mortality rates by 2015; whether the legislation on reproductive health also covered lesbian, gay, bisexual and transgender (LGBT) persons; whether specific financial resources had been allocated to address the health-care needs of women and girls with disabilities; and whether a control mechanism was in place to ensure the effectiveness of women's right to health, particularly in respect of the most vulnerable women in society.

19. **Ms. Patten**, while also welcoming the adoption of the Responsible Parenthood and Reproductive Health Law, said it was unfortunate that the State party had failed to repeal various local laws and policies restricting women's access to modern contraceptives. Regarding the Committee's 2012 inquiry concerning the Philippines under article 8 of the Optional Protocol to the Convention, it was regrettable that Executive Orders Nos. 003 and 030 had still not been officially revoked. In that connection, she wished to know what concrete action was being taken to review and repeal those Orders, to ensure the implementation of the Responsible Parenthood and Reproductive Health Law and to guarantee access to a range of contraceptive methods, particularly for economically disadvantaged women. She would also welcome information on the progress of the efforts to decentralize health-care services and on the establishment of effective monitoring and oversight mechanisms to promote greater coordination and ensure that reproductive health laws and strategies were being fully implemented. Lastly, she invited the delegation to comment on a recent Supreme Court judgment which had temporarily prevented the Department of Health from dispensing certain contraceptives and services.

20. **Ms. Sobritchea** (Philippines) said that the Government had empowered three institutions to oversee special measures in education: the Department of Education, the Commission on Higher Education and the Technical Education and Skills Development Authority. The special measures consisted of scholarships for girls who wished to enrol in traditionally male-dominated courses, such as engineering, architecture and geology, or in technical skills programmes, such as welding, consumer electronics and automotive

services. In an effort to address gender stereotyping, schools at the primary, secondary and tertiary levels had received administrative orders to identify and correct gender biases in curricula, teaching methods and learning materials. All schools were required to implement the Magna Carta of Women and other relevant laws fully, including those on gender-based violence, and accountability measures had been introduced to ensure that school officials, teachers and other staff who were in violation of those laws were liable to both criminal and administrative sanctions. An online complaints mechanism had been set up to enable students and other members of the academic community to report sexual harassment, rape or other offences, and victims of such offences were entitled to receive counselling and legal aid.

21. Targeted financial assistance was provided to girls in very poor, indigenous or Muslim communities, and needy students could apply for loans and special grants to help them make the transition from school to the labour market. Women who had not completed their basic schooling were offered remedial education aimed at improving their employment opportunities, and free day-care services were available to women with children who were enrolled in job training programmes. The Conditional Cash Transfer Programme, which had been very effective, was available to the poorest families; it required parents to keep their children in school in exchange for financial support.

22. The Government's attempts to end gender role stereotyping in education had resulted in very positive overall outcomes, such as increases in female school enrolment and completion rates and higher rates of female tertiary enrolment, employment and female representation in traditionally male-dominated occupations.

23. **Ms. Sy** (Philippines) said that an overwhelming majority of small enterprises and micro-businesses were part of the informal sector. The Government was taking steps to strengthen the Sustainable Livelihood Programme in order to bring them into the formal economy, including providing capacity-building to women in that sector and promoting greater innovation and productivity. In addition, new entrepreneurs were given training in basic business ethics as a way of encouraging them to enrol their businesses in the social security scheme and register with the authorities.

24. A series of laws had recently been enacted for the benefit of women in salaried employment, and their provisions had been incorporated into the labour law compliance system applied by the Government. As part of the system, enterprises were requested, inter alia, to set up a Committee on Decorum and Investigation concerning sexual harassment in the workplace, compensate women victims of violence, promote breastfeeding and conduct public awareness-raising concerning violence against women. Of the 44,000 labour law compliance visits that had been carried out by the Department of Labour and Employment in 2015, 86.8 per cent were found to be in compliance with the gender-based provisions in the law.

25. In keeping with the Constitution, the more than 2,000 public employment service offices in the country strictly adhered to a policy of non-discrimination in recruitment. In addition, gender equality awareness-raising programmes for employers taught human resources officers to focus solely on the competitive skills and competencies of candidates, not on their age or gender. The Wage Rationalization Act of 1989 had instituted a State policy to ensure a decent standard of living for all persons by means of a regionally adjusted minimum wage. The wage-setting process prescribed under the policy did not allow for discrimination on the basis of gender, age or skills. Based on the 2014 Labour Force Survey conducted by the Philippine Statistics Authority, the average basic pay of women was higher than that of men. Any wage disparities between men and women that existed in wages above the minimum wage were due to the supply of, or demand for, skills in the labour market and not to occupational stereotyping.

26. **Mr. Larga** (Philippines) said that two agencies were responsible for registering the employment of domestic workers at home and abroad: the Bureau of Workers with Special Concerns and the Philippines Overseas Employment Administration. The Administration ensured that all overseas employment contracts for domestic labour provided for payment of the monthly minimum wage, which was US$ 400, and other standard labour provisions. Before leaving the country for work abroad, domestic workers were required to complete a comprehensive pre-departure orientation programme. Domestic workers recruited by a private employment agency were covered by a mandatory insurance plan, and the Administration required employers to set up an escrow account for the payment of any claims arising out of breaches of contract, including abuse and exploitation of the worker. Private agencies were required to monitor the working conditions of workers employed abroad, to report irregularities and to designate a focal point for workers' welfare concerns.

27. **Mr. Bayugo** (Philippines) said that the budget of the Department of Health had totalled 2.5 billion Philippine pesos in 2015 and had been increased to 2.8 billion pesos in 2016. A budget of 4.2 billion pesos had been requested for 2017. An attempt to amend the criminal law in order to provide for certain grounds on which abortion was permitted had failed, and a recommendation had been made to submit a separate bill on the matter to Congress. To date, no bill on legalizing abortion on such grounds had been formulated.

28. Some 33,400 cases of HIV/AIDS had been reported for the period between January 1984 and April 2016; of those, 2,420 were women. In 2015, a total of 324 million pesos of the Department of Health budget had been set aside for sexually transmitted diseases and HIV/AIDS, including anti-retroviral treatment for 13,900 HIV-positive people, 556 of whom were women. Various aspects of the Responsible Parenthood and Reproductive Health Law addressed the concerns of LGBT persons, such as the prevention and treatment of HIV/AIDS and other sexually transmitted diseases, and included measures to eliminate sexual and gender-based violence. A specific section of the Law provided for the establishment of sexual and reproductive health programmes for persons with disabilities and required cities and municipalities to eliminate barriers to reproductive health services for such persons.

29. **Ms. Ang** (Philippines) said that Executive Orders No. 003 and No. 030 by the City of Manila had been revoked automatically through the enactment of the Responsible Parenthood and Reproductive Health Law, which superseded any law that was contrary to or inconsistent with its provisions, except the law on abortion. All reproductive health services provided for under the Law were currently available in health centres in Manila. Despite the ban imposed by the mayor of Sorsogon on the provision of any form of artificial contraception, State health workers had not stopped procuring and distributing modern methods of contraception in that city.

30. **Ms. Rebong** (Philippines) said that the Government would submit written replies to any questions that it had not yet answered. She wished to clarify that, even though abortion was not yet available, post-abortion health services were provided to women who needed them.

31. **Ms. Jahan** asked what specific policy measures and programmes had been established to ensure that older women, women heads of household and chronically ill women enjoyed the right to food, which was provided for explicitly under the Magna Carta of Women. What mechanism had been devised to safeguard the socioeconomic rights of women who were evicted from their land and deprived of their livelihoods as a result of beautification or development projects in urban slum areas? The delegation should comment on reports that social protection services provided to rural women by companies under the guise of corporate social responsibility were often, in fact, incentives to convince them to leave their ancestral lands.

32. She asked whether women employed in the informal sector were covered by employment insurance, had access to basic social security benefits and enjoyed labour benefits and whether a comprehensive social protection framework had been developed for women and girls with disabilities. She would appreciate receiving information on women's participation in sports and other recreational activities.

33. **Ms. Gabr** asked how the important economic achievements made by the Philippines in recent years had affected the lives of rural women and how the Government planned to implement and monitor the Magna Carta of Women in rural areas. She would appreciate an account of the steps being taken by the Government to protect the rights of rural women who faced old and new challenges, such as living in a patriarchal society and the increasing exploitation of land for non-agricultural uses. What measures had it taken to remedy the gender pay gap in rural areas, the failure to recognize the role played by women as food producers and the impact of armed conflict on rural women and their assets? The delegation should comment on the alleged extrajudicial killings of women from rural and indigenous populations in connection with the increasing presence of extractive industries.

34. She wished to know what steps the Government planned to take in order to raise awareness of and make use of the Committee's general recommendation No. 34 on the rights of rural women, including its dissemination and translation into regional languages. In addressing the needs of women in its Muslim minority, the State party might wish to consider how Muslim women's rights had evolved in other countries where sharia law was practised, such as Tunisia, which had abolished polygamy. She asked what measures were being taken to use new technologies in order to help vulnerable communities and rural women.

35. **Ms. Jahan** asked whether a gender perspective had been incorporated into the design, implementation and monitoring of national environmental and climate change policies and programmes and whether women were afforded opportunities for active and equal participation in their design and implementation. She wished to know whether vulnerable women received special protection during disaster relief efforts, including from sexual violence and exploitation, and how women's access to food, health care and basic hygiene was ensured in the event of disasters. Given that the Committee was in the process of drafting a new general recommendation on the gender-related dimensions of disaster risk reduction and climate change, she asked whether a gender lens was used in mobilizing and dispersing funds for climate change adaptation, disaster risk reduction and management and post-disaster relief and rehabilitation.

36. **Ms. Villar** (Philippines) said that the term "senior citizens" applied to all older persons over the age of 60. The Philippines had introduced non-contributory social pensions scheme under the Expanded Senior Citizens Act for indigent senior citizens who did not receive adequate support from their relatives. Older persons were also covered by a mandatory health insurance scheme. Under the social protection framework, policies and programmes had been developed to protect women, children and other vulnerable populations. There were four main programme areas: labour market intervention, social insurance, social welfare and safety nets.

37. **Ms. Mendoza** (Philippines) said that the Government of the Philippines recognized the valuable contribution of rural women as food producers, notably in fisheries, bio-intensive horticulture and food processing. Services offered to gardeners included the provision of seeds, planting material and equipment; recently, many new community gardens had been established. The Department of Agrarian Reform and the Department of Agriculture provided assistance to rural women working in agriculture and fisheries. Credit and loan arrangements, training, assistance in marketing goods and women-friendly equipment and technology were also available. Efforts were being made to make such assistance more gender-sensitive.

38. **Mr. Fos** (Philippines), replying to the question raised about urban or rural dwellers affected by development projects, said that the Urban Development and Housing Act ensured the participation of the families concerned and provided for a consultation process, social services, livelihood support, a relocation entitlement, an ample period of 30 days to prepare for relocation and financial assistance. Families were moved either to alternative relocation sites or to urban low-rise buildings and were supplied with water, power and other basic services. Cash transfers were available for women, children, older persons, and persons with disabilities. The National Housing Authority was carrying out programmes that surpassed the provisions of the Urban Development and Housing Act, such as programmes to build communities, train leaders and inculcate an understanding of gender issues.

39. **Ms. Mutin** (Philippines), turning to a question raised about sharia law and the Magna Carta of Women, said that the Government of the Philippines acknowledged that the Code of Muslim Personal Laws was outdated and that amendments must urgently be introduced in such areas as polygamy and early and forced marriage, which violated women's rights. There were ongoing discussions between religious scholars and leaders, representatives of progressive women's groups and lawmakers about bringing the Code before Congress for amendment. Furthermore, the Gender and Development Code of the Autonomous Region of Muslim Mindanao contained a provision under which marriage to a child under the age of 18 was discouraged, and the highest religious policymaking body in the country had issued a fatwa on the model Islamic family that covered early and forced marriage and polygamy.

40. **Ms. Sobritchea** (Philippines) said that she would answer questions related to mining on indigenous lands. The Government had taken a number of measures to maximize benefits for the indigenous communities that chose to allow investors and mining companies to operate on their lands. A strict procedure was followed. The Government determined whether the area was suitable for mining and, when it gave its approval, the participatory planning and consultation process began. The National Commission on Indigenous Peoples then certified that the particular indigenous community was willing to participate. The benefit was the payment of a royalty, which could be used to strengthen the community economy. There were programmes to provide alternative livelihoods in the event that traditional practices were interrupted by the mining industry. Women, in particular, were closely involved in planning for alternative livelihoods.

41. The political, social and cultural situation in indigenous areas presented an important challenge, however. Indigenous communities were often not united; there was tension and friction among the members. Sometimes more than one community shared the same land area. Clan killing was a grave political problem in areas where indigenous communities lived; there were also anti-Government groups posing challenges to the maintenance of law and order. In addition, there had been extrajudicial killings of anti-mining activists. Those were complex matters that varied from region to region. Mindanao, for instance, had its own legal framework for dealing with extrajudicial killings.

42. **Ms. Villar** (Philippines) said that, as a result of the many humanitarian emergencies that had occurred over the recent decade, the Government had significant experience in emergency response, disaster-risk reduction and climate change management. All initiatives were designed to ensure that women and girls were the primary focus of disaster response; woman- and child-friendly spaces were provided in evacuation centres and relocation sites to provide specialized care for their needs during crises. The Magna Carta of Women stipulated that women should be included in decision-making bodies on such matters as environmental and natural resource management, climate change adaptation and disaster response. In May 2016, President Aquino had signed the Children's Emergency Relief and Protection Act; the implementing regulations were currently being drafted.

43. **Ms. Verzosa** (Philippines) said that statistics on women in sports were inconsistent and incomplete. In general, however, there were fewer women than men who participated in sports, and fewer awards and prizes were available for them. Therefore, that subject had been addressed in the Magna Carta of Women, in the section entitled "Women in Sports".

44. **Ms. Jahan** asked what measures the Government was taking to implement the provisions of the Magna Carta of Women related to equality for women and the elimination of discrimination against them, in particular in view of its section 12, which specified that discriminatory laws would be amended or repealed within three years after the enactment of that instrument. What steps was the Philippine Commission on Women taking to encourage the new Congress to take action? She pointed out that the Magna Carta indicated that customary laws related to marital relations would be respected provided that they did not discriminate against women. However, the Muslim Code of Personal Laws was filled with discriminatory provisions. It would be useful to know if any studies had been undertaken by the Government to improve women's equal recognition before the law that took into consideration the country's legal pluralism.

45. **Ms. Nadaraia**, invoking article 16, paragraph 1 of the Convention, said that the Magna Carta of Women was presented as a translation of the Convention into the Philippine national legal framework. A number of laws observed by Muslims in the country, however, were at variance with the provisions of the article. The Muslim Code allowed for polygamy, early marriage and arranged marriage; it also allowed a husband to choose the family residence and to refuse to permit his wife to exercise a profession or occupation of her choice. In some indigenous communities, abduction for forced cohabitation was still permissible. The Government should describe any measures taken to repeal customary provisions that violated the terms of the Convention. Information would also be welcome on the bills before Congress giving equal decision-making power to husbands and wives and on the time frame for their adoption.

46. Moreover, noting that many adultery cases were initiated by men wishing to harass and coerce estranged wives into handing over contested property, she enquired whether the Government planned to repeal provisions against adultery in the Revised Penal Code. She would also like to know the status of the bill on legalizing divorce and the time frame envisaged for its adoption. It would be useful to know whether husbands and wives would be granted the same rights on dissolution of the marriage and how the rights of children would be protected.

47. In addition, she would like to know the time frame for the repeal of laws banning persons with disabilities from marrying on the basis of mental, psychosocial or physical disabilities, in particular provisions that discriminated against the right of women with disabilities to marry and found a family. Lastly, she asked whether there were plans to enact a national law prohibiting discrimination against LGBT persons who wished to marry.

48. **Ms. Verzosa** (Philippines) said the Philippine Commission on Women had a women's priority legislative agenda, which focused on amendments to the Family Code and other laws containing discriminatory provisions against women. The current emphasis was on encouraging Muslim women to recruit other Muslim women, so that together they could advocate for the repeal of early and forced marriage and polygamy. There were no pending bills on marriage equality. LGBT groups had stated that the first step was anti-discrimination legislation; in their view, it was too soon to begin advocating diverse forms of marriage. She noted that some Protestant sects permitted gay marriage.

49. Similarly, the Commission had decided to work first on advocating women's right to reproductive health rather than on repealing the ban on divorce. There was much opposition from certain sectors of society. A legislator had recently introduced a divorce bill; it was

hoped that other sponsors would back it. There was no Government policy that restricted the marriage rights of persons with disabilities.

50. **Ms. Rebong** (Philippines) said that the Government of the Philippines was fully committed to the implementation of the Convention and looked forward to continued work with the Committee on behalf of all Filipinos.

51. **Ms. Verzosa** (Philippines), thanking the members of the Committee for their questions, said that the dialogue had suggested ways of improving the implementation of both the Convention and the Magna Carta of Women and of better responding to the needs of women and girls in the Philippines. She also wished to thank the civil society organizations for their important contributions.

52. As the national agency responsible for implementing the Convention, the Philippine Commission on Women strived to coordinate and channel all efforts to realize gender equality, human rights and the empowerment of women and girls. The Commission would seek to improve its monitoring methods in order to see de facto results of its efforts. It was difficult to provide time frames for the adoption of laws; the Commission worked with legislators in the hopes that they would advocate the adoption and amendment of laws. Some of the recently elected women Senators had worked with the Commission in the past; the Commission hoped for their continued interest and support. The Committee's concluding observations would be shared with all interested persons and agencies.

53. **Ms. Manalo** (Philippines) said that although the Government had been slow in submitting its report to the Committee, the Philippines had not given up fighting to protect and promote the rights of Filipino women. The dialogue had been fruitful, and the questions raised had indeed been helpful. She looked forward to rejoining the Committee as a member in January 2017.

54. **The Chair** said that the Committee thanked the State party for its efforts and urged it to take all necessary measures to address all recommendations set out in the concluding observations with a view to improving the situation of women in the Philippines.

The meeting rose at 5.25 p.m.

United Nations CEDAW/C/SR.1407

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-fourth session

Summary record of the 1407th meeting
Held at the Palais des Nations, Geneva, on Thursday, 7 July 2016, at 10 a.m.

Chair: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Myanmar

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GE.16-11727 (E) 110716 120716

1611727

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/4-5; CEDAW/C/MMR/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Myanmar took places at the Committee table.*

2. **Mr. Maung Wai** (Myanmar), introducing his country's combined fourth and fifth periodic reports (CEDAW/C/MMR/4-5), said that, in Myanmar, men and women enjoyed equal rights in all areas. Women's rights were guaranteed and protected by the Constitution and other relevant laws. Women seldom encountered social barriers to education, employment or career development owing to the virtual absence of discriminatory traditions and practices in the country. However, although women's participation in parliament had increased, the overall number of women in decision-making positions remained very low — a situation explained in part by the fact that many women prioritized caring for their families over furthering their careers. The Government was therefore in the process of adopting legislative and policy measures to address the obstacles hindering women's participation in political and public life.

3. A series of reforms aimed at transforming Myanmar into a fully democratic country with greater freedoms and respect for human rights had been under way since 2011. The promotion and protection of human rights featured high on the agenda of the newly elected Government and in April 2016 the President had granted amnesty to some 200 political prisoners in the spirit of national reconciliation.

4. The Nationwide Ceasefire Agreement had been signed by eight ethnic armed groups in October 2015 and the newly elected Government was committed to negotiating a ceasefire with the remaining groups. The next Union Peace Conference was scheduled to take place in August 2016. Female parliamentarians were actively involved in the preparatory work for the Conference and there were plans to organize a forum for civil society organizations to ensure that their views and suggestions were taken into account.

5. A newly formed legislative reform commission had begun the task of reviewing over 140 domestic laws. The Ministry of Social Welfare, Relief and Resettlement had taken the lead in drafting a bill on the prevention of gender-based violence that was currently being examined by the Attorney General's Office and would then be submitted to parliament for further debate.

6. The recent reforms had led to greater enjoyment of the right to freedom of expression and freedom of association, and a particularly marked increase in media freedom. As of 2012, publications were no longer subject to censorship and, since 2013, the number of private daily newspapers published in the country had risen considerably. The lack of restriction on the use of the Internet and social media platforms was resulting in more and more people using such services. A law on peaceful gatherings and processions, which allowed the people of Myanmar to exercise their right to freedom of peaceful assembly and to organize peaceful demonstrations, had been in force since 2012.

7. The Government acknowledged the role played by NGOs and encouraged their activities. The law on the registration of organizations had been enacted in 2014 and, at present, over 800 national NGOs and civil society organizations were operating throughout the country.

8. The Ministry of Social Welfare, Relief and Resettlement had overseen the drafting of the country's periodic report and had set up a special drafting committee comprising

representatives of other government ministries, the Myanmar National Human Rights Commission, NGOs and civil society organizations. The Myanmar National Committee for Women's Affairs had also been given the opportunity to provide input.

9. **Ms. San San Aye** (Myanmar) said that the National Committee for Women's Affairs, which was headed by the Minister for Social Welfare, Relief and Resettlement, served as the national machinery for the advancement of women, responsible for mainstreaming women's rights in government policies and coordinating the various government programmes designed to improve their situation. The Committee met twice a year to review those programmes and ensure that policies and guidelines met the needs of women on the ground. Following a recent restructure, the Committee had become directly responsible for, inter alia, reviewing existing laws and regulations and drafting new laws and regulations designed to achieve gender equality in the political, economic and social spheres; preventing all forms of violence against women; raising women's awareness of the laws protecting them; and overseeing implementation of the policies and principles advocated at the World Conferences on Women and in the Convention. The membership of the reformed Committee included representatives of parliament, the National Human Rights Commission and women's NGOs.

10. The newly elected Government had made addressing harmful social and cultural practices one of its priorities. In addition, gender equality for development was among the national priorities identified by the State Counsellor, Aung San Suu Kyi, at a recent meeting of the International Development Association. At that meeting, she had called upon international development partners to assist Myanmar in translating its national priorities into reality by providing technical and capacity-building assistance, as well as material support.

11. The aim of the National Strategic Plan for the Advancement of Women for the period 2013-2022 was to empower all women in Myanmar to exercise their rights fully, with the support of the Government and enabling systems, structures and practices. Effective implementation of the plan would ensure that goals for gender equality and women's rights were embedded in the Government's reform agenda and that gender equality was mainstreamed in sectoral policies and programmes adopted by the Government and NGOs. A meeting to review and improve the implementation of the plan was likely to take place in the near future.

12. The Gender Equality Network, which included over 100 women's groups, had conducted a series of research studies into issues such as the drivers of gender inequality and gender-based violence. The Department of Social Welfare, in cooperation with UN-Women and the Asian Development Bank, had also performed an analysis of the situation with respect to gender equality and women's rights in Myanmar and was due to publish the findings of that exercise in the near future.

13. The Gender Equality Network and the United Nations Gender Theme Group were assisting the Ministry of Social Welfare, Relief and Resettlement in drafting the bill on the prevention of gender-based violence, which was in line with the provisions of the Convention and the Beijing Declaration and Platform for Action. The Department of Social Welfare's activities were focused on preventing acts of sexual violence from occurring, as the Department lacked the capacity to receive and handle complaints from the public. However, in an effort to remedy that shortcoming, it was working to set up a national emergency helpline and a public advice centre in the region of Yangon. A national information and support centre for victims of trafficking was already in operation.

14. The new Government had set up a special committee tasked with maintaining stability and promoting development in Rakhine State, which was headed by the State Counsellor. The Minister for Social Welfare, Relief and Resettlement chaired the working

committee set up to restore peaceful relations between the Rohingya Muslim and ethnic Rakhine communities and to resolve the situation in that State.

15. While Myanmar had made significant progress in advancing the rights of women since becoming a State party to the Convention in 1997, it continued to face many challenges. The Government remained committed to eliminating gender-based discrimination and to promoting and protecting the rights of all women living in the national territory, including the rural women whose plight had often been overlooked in the past.

Articles 1 and 6

16. **Ms. Patten** said that the State party was to be commended for the wide-ranging reforms that it had undertaken to facilitate the country's transition to democracy. She asked whether there was a time frame for revising laws such as the Penal Code and the electoral and citizenship laws which contained provisions discriminatory to women, and for adopting pending legislation such as the anti-discrimination bill and the bill on the prevention of gender-based violence.

17. Noting with regret that the State party had not implemented the Committee's previous recommendations that it should incorporate in the Constitution a strong substantive equality guarantee, a comprehensive definition of discrimination and a provision establishing the direct applicability of the Convention and its primacy over domestic legislation in case of conflict, and that it should consider adopting temporary special measures, she asked why those recommendations had not been taken up in the constitutional reform bill submitted to parliament in June 2015. She also wished to know whether the anti-discrimination bill included a comprehensive definition of discrimination against women in line with article 1 of the Convention and whether the State party planned to remove the constitutional provision that effectively permitted gender-based discrimination in the appointment of civil servants if the position in question was deemed suitable for men only, as well as the repeated references to women as mothers, which could serve to reinforce gender stereotypes.

18. It would also be useful to hear about any steps taken by the State party to guarantee access to justice for women, particularly women whose human rights had been violated and minority women; to combat the stigmatization faced by victims of sexual and gender-based violence; and to address the structural issues affecting the independence of the judiciary and legal professionals.

19. The Committee would have liked to receive more information on the impact of the armed conflict on women in Myanmar and on the State party's approach to guaranteeing the human rights of women in conflict prevention, conflict and post-conflict situations. She drew the delegation's attention to the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, which clearly set out States parties' obligations in that regard.

20. Lastly, she asked what measures were in place to prevent forced displacement, to protect the human rights of internally displaced persons, including Rohingya women, and to guarantee access to basic services for such persons.

21. **Ms. Pomeranzi**, noting that the State party had acknowledged the serious shortcomings in the conceptualization, content and implementation of the National Strategic Plan for the Advancement of Women for the period 2013-2022 and had indicated a readiness to make due adjustments, asked what it had done, or planned to do, to allow for the fact that the plan was underpinned by the 2008 Constitution, which contained provisions that ran counter to the Convention. Her impression was that effective implementation of the plan was impeded by the lack of a coordinating mechanism and the

limited number of actionable measures, and that its lengthy timespan made allocating sufficient funds difficult. Those deficiencies begged the question as to whether the plan was in fact the most effective tool for advancing women's rights in Myanmar. Given that the plan was the cornerstone of its gender equality policy, the State party needed to endow it with adequate funding. It would be useful to receive information on the budgetary resources that had been allocated to the plan to date, and on the role played by the Myanmar National Committee for Women's Affairs in implementing it, particularly following the Committee's restructure.

22. **Ms. San San Aye** (Myanmar) said that the newly restructured Myanmar National Committee for Women's Affairs would be responsible for overseeing all women's development activities nationwide and serving as a liaison between the government and NGO sectors. The Committee would be working with the Government to identify ways to improve the National Strategic Plan for the Advancement of Women and ensure full coverage of the country's obligations under the Convention, as well as to determine funding sources and agree appropriate budget allocations. The State party would require technical assistance in order to develop effective gender-sensitive budgeting systems.

23. **Ms. Lynn Malar Lwin** (Myanmar) said that the more than 140 laws under review by the new legislative reform commission included a number of labour-related laws. She wished to highlight, however, that the purpose of section 352 of the Constitution, which referred to positions suitable for men only, was not to discriminate against women but to protect them from hazardous working conditions. For example, women workers were not permitted to lift heavy loads or to handle hazardous machinery such as spinning or weaving machines.

24. **Ms. Naw Hla Hla Soe** (Myanmar) said that the law on the protection of women's and children's rights was currently being reviewed with input from various government ministries, NGOs and the Attorney General's Office and that a new draft should be ready for parliamentary discussion and approval in the very near future.

25. **Ms. Naw Tha Wah** (Myanmar) said that the Myanmar National Committee for Women's Affairs was closely involved in the legislative review process, as well as in policy development. Together with the Myanmar Women's Affairs Federation, it had been tasked, inter alia, with carrying out awareness-raising campaigns to inform women of their rights and ensuring compliance with international obligations on gender equality.

26. **Ms. Lynn Malar Lwin** (Myanmar) said that the new law on the rights of persons with disabilities, enacted in 2015, was based on the Convention on the Rights of Persons with Disabilities and provided for the introduction of a disability certification system. Corresponding by-laws were being developed with the involvement of various ministries, NGOs and organizations of persons with disabilities.

27. She wished to clarify that, while the Myanmar National Committee for Women's Affairs and the Myanmar Women's Affairs Federation were the national oversight and implementation bodies responsible for ensuring compliance with international instruments on women's rights, numerous other NGOs and civil society organizations participated in decisions concerning women.

28. **Ms. Naw Hla Hla Soe** (Myanmar) said that, with assistance from the Myanmar National Human Rights Commission and UN-Women, two workshops had been organized to support the implementation of United Nations Security Council resolution 1325 on women, peace and security. Drawing on recommendations deriving from those workshops, an action plan for the resolution's implementation that would include gender-sensitive targets and indicators would be formulated in the near future. In implementation of the new Government's 100-day plan, training and psychosocial counselling were being provided to internally displaced persons in various camps throughout the country.

29. **Ms. Lynn Malar Lwin** (Myanmar) said that, to prevent and address impunity, complaints mechanisms had been established under the purview of the Myanmar National Human Rights Commission and the President's Office to enable persons who felt that their rights had been violated to report the abuse suffered. In addition, under section 296 of the Constitution, citizens were entitled to petition the Supreme Court to issue writs of various forms.

30. **Ms. Naw Hla Hla Soe** (Myanmar) said she wished to add that the Myanmar National Committee for Women's Affairs, the Myanmar Women's Affairs Federation, and the Women and Child Subcommittee were all competent to receive and address complaints related to the violation of women's rights, to refer victims to the relevant legal support services and to report cases to the police. A large number of complaints had been received, relating to a variety of alleged violations, including, in particular, gender-based discrimination and violence.

31. **Ms. Lynn Malar Lwin** (Myanmar) said that an important new law passed at the start of 2015 would ensure that legal aid was provided to all eligible persons without discrimination, with priority being given to impoverished women, children and persons with disabilities. The corresponding implementing regulations were in the drafting stage and legal aid organizations were being established throughout the country. Those organizations were required to submit their financing requests to the Supreme Court so that the corresponding funds could be allocated in the annual budget.

32. **Ms. Pomeranzi** said that she was extremely concerned about the State party's failure to consolidate the National Strategic Plan for the Advancement of Women for the period 2013-2022, as the plan was essential to the transformation of women's lives on the ground. She would like more information about NGOs' involvement in the plan's preparation. In the light of concerns that the National Human Rights Commission was not fully independent, as required under the Paris Principles, and that rules concerning the confidentiality of complaints were not always respected, she would like to know how the State party planned to address those autonomy and confidentiality issues.

33. **Ms. Patten** said that, while she appreciated that fixing a precise time frame for the enactment of new legislation was difficult, she would like to know what level of priority had been accorded to the passage of the bills on gender-based discrimination and violence against women. It was crucial to expedite the constitutional reforms and ensure that they encompassed measures giving effect to the Committee's previous recommendations concerning, inter alia, the direct applicability of the Convention, the definition of discrimination against women and access to justice. She urged the State party to draw up a four-year plan to implement the Committee's concluding observations. The aforementioned constitutional provision that prevented women from being appointed to positions considered suitable for men only should be removed.

34. **Ms. Zou** Xiaoqiao said she was concerned about reports that a police officer had approached a women's organization to question its members about their activities and solicit information about the whereabouts of one particular member, who was present at the Committee's current session in Geneva. She would appreciate confirmation that the person in question would not be exposed to any danger upon returning to the country.

35. She would also like to know what was being done to ensure effective implementation of the new law on legal aid, and what measures were in place to ensure that informal justice mechanisms based on customary law did not discriminate against women or contravene the Convention. She further enquired how access to justice could be guaranteed for all women, particularly those in remote areas and those from ethnic groups, and how women were informed of their legal rights. Lastly, she asked whether the State

party was considering ratifying the Optional Protocol to the Convention and accepting the amendment to article 20 (1).

36. **Mr. Maung Wai** (Myanmar), highlighting that the new Government had been in office for only three months, said that human rights issues, including the situation of internally displaced persons, and especially women, were a top priority on its agenda. He confirmed that no harm would come to the NGO representative about whom the police had apparently been seeking information. He also wished to note that the provisions of chapter eight of the Constitution imposed no restriction on women's employment. However, society was not yet ready to accept women as armed personnel in the armed forces, for example, and the State party was therefore not yet in a position to repeal such provisions.

37. **Ms. Naw Hla Hla Soe** (Myanmar) said that the Government had held more than 30 consultation meetings with NGOs and civil society organizations while drafting the law on the prevention of gender-based violence.

38. **Ms. Lynn Malar Lwin** (Myanmar) said that the National Human Rights Commission Act had been drafted with the help of international experts, including experts from the Office of the United Nations High Commissioner for Human Rights. While the Commission made public statements to disseminate information about cases, the delegation was not aware of any breaches in confidentiality.

39. The Government's current priority was the ratification of the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, but the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women would be considered in due course.

40. As the new law on legal aid had entered into force in January 2016 only, the budget for its implementation had not yet been allocated. Legal aid organizations were being established and the corresponding by-laws were being drafted.

41. **Ms. Naw Hla Hla Soe** (Myanmar) said that the process of drafting the by-laws would take about one year, counting from the date of the law's adoption. In the meantime, 18 legal aid organizations run by civil society organizations were available to support women and children in need of such assistance.

42. **Ms. San San Aye** (Myanmar) said that the National Strategic Plan for the Advancement of Women would shortly be reviewed in collaboration with NGOs. The plan would set targets for time frames of one, three and five years. The Government hoped to reach a consensus with stakeholders regarding funding sources and the allocation of roles.

43. **Ms. Leinarte** asked what the role the Government would take in the civil society initiative to establish quotas for women in public life, and whether it would consider adopting temporary special measures to help Muslim and Rohingya women overcome the multiple forms of discrimination they faced.

44. **Ms. Acar** asked whether the Government had implemented any nationwide campaigns to raise awareness of violence against women, either through the media or through educational curricula; what percentage of the State budget was allocated to preventing violence against women; whether there had been a systematic review of the national legal framework to remove gender stereotypes; and whether any community-based efforts to alter mindsets had been initiated with a view to ensuring that the new bill on the prevention of gender-based violence did not meet the same resistance as the previous version. She also wished to receive information on the status of legal provisions on rape and marital rape, the services provided to rape victims, and the informal justice and reconciliation mechanisms available to women.

45. **Ms. Gabr**, noting that the State party had been downgraded to a tier 3 ranking in the United States of America Department of State Trafficking in Persons Report 2016, which ranked countries based on their efforts to meet minimum standards for the elimination of trafficking, asked what the Government planned to do to tackle the many challenges it faced in that area; what time frame was envisaged for the review of the Anti-Trafficking in Persons Act; and how the Government intended to reintegrate victims of trafficking and improve the services available to them. For example, were there any plans to establish a national referral mechanism to provide coordinated reintegration support and a programme to reduce the stigmatization faced by victims? And what steps had the Government taken to involve civil society organizations in awareness-raising activities and initiatives to prevent trafficking? She also wished to know how the Government monitored and evaluated the efficacy of its efforts to prevent trafficking in human beings; whether awareness-raising campaigns specifically targeted high-risk areas; and how the Government planned to address the root causes of trafficking. Information about efforts to address the issue of forced prostitution would likewise be appreciated. For example, what was the Government doing to prevent victims of sex trafficking from being treated as criminals and to reduce demand for commercial sex?

46. **Ms. San San Aye** (Myanmar) said that, in 2015, 693 women had been recruited to the armed forces as a result of temporary special measures. Between 2011 and 2016, the Myanmar Police Force had recruited 3,274 female employees, meaning that almost 6 per cent of its workforce were now women. Previously, female students had been required to obtain higher marks than their male peers in order to gain admission to university courses in medicine, but temporary special measures had reversed that anomaly. The Myanmar Women's Entrepreneur Association was working to increase the participation of women in economic life.

47. **Ms. Naw Hla Hla Soe** (Myanmar) said that, in the 2015 elections, political parties had been instructed to give priority to candidates from underrepresented groups, including women, in the selection process. Microfinance programmes provided by actors including banks and NGOs were an important tool for the improvement of women's economic participation and to date had benefited 2.8 million people, 98 per cent of whom were women.

48. **Ms. San San Aye** (Myanmar) said that the new Government had already taken steps to strengthen the national mechanism for partnerships with NGOs and civil society organizations.

49. **Ms. Lynn Malar Lwin** (Myanmar) said that the committee overseeing preparations for the forthcoming Union Peace Conference and its two subcommittees together had a total of 45 members, 5 of whom were female.

50. **Mr. Min Kyaw Thu** (Myanmar) said that the proposal to review the Anti-Trafficking in Persons Act had been submitted to the parliament in June 2016 and that the review would commence shortly. The Myanmar Police Force was developing community policing initiatives to deter traffickers, and the country was actively engaged in the Association of Southeast Asian Nations (ASEAN) Plan of Action against Trafficking in Persons, Especially Women and Children.

51. The Prostitution Act would be included in the upcoming review of legislation. While nearly 2,000 prostitution cases had been pursued in 2013, the number had dropped to 855 in 2015 and a further reduction was anticipated for 2016.

52. **Ms. Naw Hla Hla Soe** (Myanmar) said that several international and national partners, including UN-Women, had been invited to participate in a series of parliamentary meetings called to ensure that gender stereotypes were addressed in the new Government's legislative review. The Women and Child Subcommittee would review six laws and

consider how all issues related to gender stereotypes could be reflected in the legal framework. Further training on gender issues would be arranged for parliamentarians in the coming months.

53. **Ms. Naw Tha Wah** (Myanmar) said that qualitative research had been undertaken into social and cultural norms and their impact on men and women in work, education, family life, development and other areas. Research into the cultural and religious practices of the many ethnic groups in Myanmar was also currently under way. The results of such research served to inform programmes and policies and had led to awareness-raising and dialogue initiatives. The media were used to disseminate information about discrimination against women, and public radio stations broadcast programmes for ethnic minority women in 14 languages, along with awareness-raising programmes for women nationwide.

54. A reproductive health programme for adolescents had been established in 80 townships and education on human rights and violence against women had been provided for almost 1 million military personnel. Allegations of sexual violence against women by the military were investigated, appropriate action was taken, and victims could apply for damages.

55. **Ms. San San Aye** (Myanmar) said that a central committee chaired by the Minister of Home Affairs had been established to address issues related to trafficking in human beings, along with a subcommittee that dealt with repatriation, reintegration and rehabilitation. The Department of Social Welfare ran three shelters for female victims of trafficking, and vocational training was also available. Although the overall budget allocated to the Department represented less than 1 per cent of total public spending, in 2015, the central committee had allocated additional funds for victim rehabilitation, including life skills training. NGOs were also closely involved in support programmes of that kind.

56. **Mr. Min Kyaw Thu** (Myanmar) said that the police had established a number of anti-trafficking task forces whose role was to monitor groups potentially vulnerable to trafficking and prevent their exploitation or, in the case of former victims, their revictimization. Working with the Department of Social Welfare, the task forces also organized vocational training for former victims and vulnerable groups. Vocational training in skills such as sewing, knitting, weaving and cooking was also provided by the Ministry of Border Affairs.

57. **Ms. San San Aye** (Myanmar) said that a key goal of the National Strategic Plan for Social Protection was to establish a national social case management system that would eventually be used to monitor and manage all cases involving trafficking in human beings, especially woman. The plan also envisaged the provision of psychosocial support for victims to help them deal with any stigmatization issues. To provide that support, the Government worked in partnership with the NGO sector.

58. **Ms. Gabr** asked how impunity for traffickers would be tackled in future; whether referral mechanisms for cases of trafficking would be implemented; and how the authorities planned to assess the efficacy of the measures adopted.

59. **Ms. Leinarte**, noting that a number of the initiatives mentioned by the delegation as temporary special measures, such as the establishment of women's associations and the priority given to women on electoral lists, should be viewed as ongoing measures, asked whether the State party would consider adopting a quota of 30 per cent for women's representation in the parliament as a temporary special measure.

60. **Mr. Min Kyaw Thu** (Myanmar) said that any person who had reason to believe that traffickers in human beings or persons engaged in other criminal acts might be enjoying impunity could report their suspicions to the police using the public complaints hotline

numbers broadcast on television and radio or the standard police emergency number. All reports were investigated and appropriate action was taken. In addition, all law enforcement officers were required to adhere to a code of conduct.

61. **Ms. San San Aye** (Myanmar) said that temporary special measures had been used successfully in Shan State to provide education for 72 girls who could not otherwise afford to attend school and that 3 of those girls had recently won places at university. Vocational training in activities such as sewing and weaving was also provided for girls during the summer holidays.

62. **Ms. Naw Hla Hla Soe** (Myanmar) said that the percentage of women in parliament had increased threefold and was now over 13 per cent. Provided female candidates received sufficient capacity-building support, the 30 per cent target for female representation by 2020 should be achievable.

63. **Ms. Naw Tha Wah** (Myanmar) said that all forms of violence against women, including marital rape, were addressed in the new bill on the prevention of gender-based violence, which also established the responsibilities and roles of the various actors, and that community-level initiatives were being organized to promote awareness of such violence. The Department of Social Welfare provided shelter and services for women and girl victims and was working with NGOs to implement capacity-building programmes for police officers, the judiciary, social workers and medical staff.

Articles 7 to 9

64. **Ms. Leinarte**, noting that women's participation in political and public life remained very low, particularly in rural areas, and that there was a lack of disaggregated data for monitoring progress, asked whether any research into the barriers to women's participation had been undertaken and what measures were being used to encourage women to take on international and diplomatic roles. In view of women's underrepresentation in peace processes and negotiations, she wondered whether the Government planned to draft a national action plan on women in peace and security.

65. **Ms. Zou** Xiaoqiao, referring to the concern expressed previously by the Committee regarding nationality and citizenship in Myanmar, said that the State party should assess how its Citizenship Law affected women, men, and children from different minority groups and use that information to bring the law into line with article 9 of the Convention.

66. According to reports, women in rural areas were often unable to acquire identity documents because of a lack of civil administration services nearby or a lack of money. She would like to know whether the Government had conducted any surveys to assess that situation and had considered simplifying the regulatory procedures and either reducing or waiving the processing fees for poor rural women.

67. The citizenship verification pilot programme in Rakhine State had reportedly failed to achieve significant improvements and there were concerns that the citizenship process was not transparent. More information on the programme, including the number of persons who had benefited to date, the measures envisaged to ensure open and transparent citizenship procedures and those adopted to ensure that children in Rakhine State were involved in the citizenship verification process and acquired citizenship, would therefore be appreciated. She also wished to know what steps would be taken to ensure that the goal of registering 1 million children over the coming year would be met; how many children in Myanmar were currently unregistered; and what steps had been taken to register children born in camps for internally displaced persons.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-fourth session

Summary record of the 1408th meeting
Held at the Palais des Nations, Geneva, on Thursday, 7 July 2016, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Myanmar (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Myanmar (continued)
(CEDAW/C/MMR/4-5, CEDAW/C/MMR/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Myanmar took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Naw Hla Hla Soe** (Myanmar), responding to questions put by Committee members at the previous meeting, said that Myanmar had reached a number of historic milestones in relation to women's participation in political life. For the second term of the Assembly of the Union, 151 women parliamentarians had been elected, which represented a threefold increase over the previous elections, and since the new Government had come to power, the first female state counsellor, the first female chief minister and the first female state speaker had taken up their posts. At the grass-roots level, there were currently 76 female village tract/ward administrators, as compared to 42 in 2015.

3. Women's representation at the international level had become more visible, given that, in addition to serving as State Counsellor, Aung San Sui Kyi concurrently served as Minister for Foreign Affairs and Minister for President's Office. The percentage of women in the Ministry of Foreign Affairs currently stood at 53 per cent, and women occupied 10 per cent of ambassador, director general and deputy director general posts.

4. **Ms. Lynn Malar Lwin** (Myanmar) said that the 1982 Citizenship Law reflected the unique characteristics of Myanmar, including its geographical location and colonial background. A debate on the Law had taken place during the first term of parliament. Anyone who wished to apply for citizenship could do so. The pilot project that had been launched in several townships in 2014 had resulted in the grant of citizenship to over 9,100 applicants. The new Government had introduced a citizenship verification process that relied on voluntary participation in three townships, and had received more than 1,000 applications.

5. **Ms. San San Aye** (Myanmar) said that Myanmar had set the goal of registering in the next year the births of an additional 1 million children in the seven states, including Rakhine State, and in Nay Pyi Union Territory, and to achieving the universal registration of vital statistics by 2024.

6. **Ms. Jahan**, inviting the delegation to elaborate on birth registration procedures in Rakhine State, including procedures for Rohingya children and children in camps for internally displaced persons, said that she would like to know the rationale behind a new requirement to add newborn babies to official household statistics, which was a cumbersome requirement for many female-headed and poor households whose members struggled with literacy. Since that requirement had the potential to render children stateless, deprive them of birth registration or restrict their access to educational and health services, she asked whether consideration could be given to rescinding it.

7. **Ms. San San Aye** (Myanmar) said that in the northern, remote area of Rakhine State, midwives were in charge of birth registration.

8. **Mr. Maung Wai** (Myanmar) said that the Government would transmit information concerning the rationale behind the new requirement to register newborns to the Committee within the next 48 hours.

Articles 10 to 14

9. **Ms. Bailey**, referring to the fact that effective implementation of the National Education Law and the 2015 amendment thereto would require a coordinated multisectoral approach, asked whether a clear implementation strategy had been developed and whether a monitoring body had been established to ensure accountability for its outcomes. The delegation should explain how the Long-Term Education Development Plan, the National Education Strategic Plan 2016-2021 and the National Strategic Plan for the Advancement of Women 2013-2022 were integrated in order to ensure cost-effectiveness; how they were evaluated; and whether a gender perspective had been incorporated into their development and implementation. She also wished to know whether the projects supported by international funding agencies that were intended to ensure equitable access to quality education, particularly in 34 disadvantaged townships, had been integrated into the National Education Strategic Plan and whether gender-awareness training had been built into those projects.

10. Noting that the courses offered as part of efforts to increase vocational education opportunities for women in rural and border areas were in traditionally feminine areas, which reinforced rather than challenged traditional gender stereotypes regarding the role of women, she asked whether consideration could be given to expanding those courses to less traditionally feminine areas, thereby increasing income-generating options for women, and whether those initiatives were part of the National Strategic Plan for the Advancement of Women for the period 2013-2022. She was concerned by figures suggesting that children with special needs were underserved by education and asked whether any provisions for such students, particularly girls, would be included in the National Education Strategic Plan for the period 2016-2021.

11. **Mr. Bruun** asked whether the Government systematically collected and could provide detailed information on women's employment in both the formal and informal sectors, as well as data disaggregated by sex on unemployment, wages and entrepreneurship. He would like to know whether the Settlement of Labour Dispute Law of 2012, the Social Security Law of 2012 and the Minimum Wage Law of 2013 guaranteed women equal access to employment, full compliance with the principle of equal pay for work of equal value in the public and private sectors, and protection from sexual harassment. Given the statement in the periodic report that some job positions were suitable for men only, the delegation should explain how the Government ensured that policy was not discriminatory.

12. He would appreciate information indicating how the 276 complaints lodged by female employees had been resolved and whether they had led to any further action. He also wished to know whether the Social Security Law provided for maternity leave for female workers in both the formal and informal sectors.

13. He asked whether the State party had ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). If not, he urged it to request technical assistance from ILO in order to ratify those conventions, since they would also help the State party to meet its obligations under article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. He also urged the State party to ratify the ILO Domestic Workers Convention, 2011 (No. 189), which would improve the situation of both domestic workers in Myanmar and those who left Myanmar to work abroad.

14. **Ms. Jahan** asked whether recently adopted health-related laws, policies and plans had been allocated the human and financial resources needed for their proper implementation. She was concerned that the low level of investment in the health sector, expressed as a percentage of gross domestic product, meant that quality health care was

inaccessible to a large segment of the population, especially women in rural areas. Her concerns were heightened by the lack of infrastructure in rural and conflict-affected areas, in particular in the northern part of Rakhine State, as well as in camps for internally displaced persons. She asked whether the new Government planned to increase budgetary allocations to the health sector and develop a gender-sensitive national health-care system that was non-discriminatory, affordable and of good quality. What specific areas would it emphasize with regard to rural and minority women, especially those belonging to the Muslim Rohingya population?

15. She was alarmed at the adoption of a number of laws, the most recent of which was the Population Control Health-Care Law, which were discriminatory towards women, in that they provided no protection against the use of forced contraception, forced abortion or forced sterilization. She was also alarmed at the alleged targeting of marginalized and minority groups, one example of which was a local order that prohibited Rohingya couples from having more than two children. That provision not only violated their human rights but could lead to female infanticide and sex-selective abortion, given the culturally dominant attitude of son preference. She asked whether the State party envisaged rescinding those orders.

16. Maternal mortality was still high in the country. For Rohingya women, it was nearly double the national average, owing particularly to clandestine and unsafe abortion procedures. She asked whether there were plans to amend the abortion law or the Criminal Code in order to make abortion available in cases of pregnancy arising out of rape or incest, or in cases of serious fetal abnormality, and invited the delegation to explain why those options were referred to in the bill on the prevention of violence against women. She further enquired whether education in sexual and reproductive health and rights was a compulsory subject in all secondary schools.

17. **Ms. Lynn Malar Lwin** (Myanmar) said that, under the Minimum Wage Law, all workers, without distinction between men and women, were entitled to receive the established minimum wage. Following tripartite consultations between workers, employers and governmental authorities in September 2015, the minimum wage had been set at 3,600 kyats. Businesses that employed fewer than 15 workers and informal sector family businesses were not required to apply the minimum wage.

18. According to the Factory Act 1951, in Government factories, female workers were not allowed to handle weaving or spinning machines or lift heavy loads. Section 350 of the Constitution stipulated that women were entitled to the same rights and salaries as those granted to men in respect of similar work.

19. **Ms. San San Aye** (Myanmar) said that, following the 2015 amendment of the National Education Law, various related bills, such as the basic education bill, the higher education bill and the private education bill, were now being drafted. Under the National Education Strategic Plan, which was a road map for implementation of the amendments to the National Education Law, the Ministry of Education had conducted a comprehensive education sector review. With technical support from the United Nations Children's Fund (UNICEF), gender mainstreaming had been strengthened in the drafting of the Plan and the Plan's interrelationship with the National Strategic Plan for the Advancement of Women had been given due consideration. As a result, curriculum development teams set up by the Ministry were now in the process of reviewing the content of old and new textbooks from the gender perspective.

20. The Early Childhood Care and Development Policy, which was implemented by the Ministry of Social Welfare, Relief and Resettlement in conjunction with the Ministry of Education, provided for the early detection of disability, the expansion of services for children with special needs and the inclusion of children with minor disabilities in

mainstream education. The Department of Social Welfare ran a special school for hearing and sight-impaired persons, and another for persons with disabilities, but such services could not be made available at the grass-roots level nationwide. However, training for persons caring for special-needs children was available at the community level in implementation of the Ministry's 100-day plan.

21. **Ms. Naw Tha Wah** (Myanmar) said that sexual harassment in the workplace was prohibited in a section of the bill on the prevention of violence against women.

22. **Ms. Lynn Malar Lwin** (Myanmar) said that legislation on population control was solely applicable when an area was designated as needing such measures. The purpose of the Population Control Health-Care Law, which was of voluntary application and entailed no penalties, was to offer medical assistance and to educate the public on contraceptive methods.

23. **Ms. San San Aye** (Myanmar), acknowledging that, despite increases, the health budget still fell short of the required percentage of gross domestic product and that the quality of services provided was inadequate, said that the cost of health care was high. However, a significant portion of the health budget was devoted to maternal health care, including contraceptives and maternal medicines for women, and the Ministry of Health and Sports had been working with United Nations agencies, NGOs and local agencies to endeavour to provide adequate health assistance to Muslim women.

24. **Ms. Lynn Malar Lwin** (Myanmar), replying to Mr. Bruun's question about the ratification of labour-related conventions, said that the Ministry of Labour was working with ILO to review the State's adherence to all ILO conventions.

25. **The Chair** said that the delegation should provide an answer in writing to the question on sexual education within 48 hours.

26. **Ms. Zou** Xiaoqiao asked how the Long-Term Education Plan guaranteed equal access to education for boys and girls given that, according to reports, girls were required to obtain higher marks than boys in order to pursue subjects such as medicine, engineering and biology. What measures had the State party adopted and what measures were envisaged to eliminate discrimination against girls in education? She would also like to know how the Education Plan addressed problems such as gender stereotyping in school curricula.

27. **Ms. Jahan** said that the State party had not informed the Committee of its position on abortion. She would like more information about access to health services and urgent care in rural areas, especially for Muslim women whose freedom of movement was often limited, and about the action being taken to remove restrictions on access to medical care for women and girls in general. Information would also be appreciated on the new medical reference system; on women sex workers with HIV/AIDS; on the impact of drug use on girls and women; and on the health of older women and women with disabilities.

28. **Mr. Maung Wai** (Myanmar) said he wished to emphasize that discrimination against minorities in the provision of basic services simply did not exist. For Myanmar, discrimination of that kind was unthinkable. He had heard such allegations and exaggerations in the media but the State party promoted the concept of loving kindness for everyone. It was important to remember that Myanmar was still a least developed country and could not provide the same level of services as Thailand or Viet Nam, for example. However, the services it provided were the same in all parts of the country, whether in Rakhine State or elsewhere.

29. Access to health and education had improved in Rakhine State. Almost 2,000 young persons from the temporary shelters had enrolled in school in the previous year, over 40 young Muslims were now attending college, and 1 was in medical school. In addition to the

six medical clinics that served the shelters, there were 32 mobile medical teams and a hospital could be reached within a few hours from any part of the State.

30. **Ms. San San Aye** (Myanmar) said that at present abortion was permitted under the Myanmar Penal Code only when the mother's health was at risk but that the law should be amended to include women who had been raped and those with fetal abnormalities. Post-rape care, including emergency contraception, was provided to victims, and post-rape kits were supplied in disaster-prone areas.

31. The Government of Myanmar was strongly committed to eliminating HIV/AIDS by 2030 and was endeavouring to remove obstacles to medical care for infected persons, reduce the stigma associated with the illness, and prevent mother-to-child transmission. Midwives were permitted to conduct HIV screening tests and, in 2015, 75 per cent of women needing antiretroviral treatment had received it.

32. The requirement for girls to obtain higher marks than boys in order to pursue a medical career had been lifted.

Articles 13 and 14

33. **Ms. Zou** Xiaoqiao, noting that the State party's report indicated that customs and traditions affected women's right to social life and economic resources, said that more information was needed about the ways in which tradition prevented equal access to family benefits, and about the measures adopted by the Government to end discrimination against women in economic and social life in general. She would also like to know whether there were plans to extend social security coverage to women in the informal sector and to men belonging to vulnerable groups, and whether the different impacts of the Social Security Law on women and men had been evaluated.

34. She inquired whether a gender perspective had been integrated into the "8 Tasks of Rural Development and Poverty Alleviation" Programme; to what extent women were involved in the programme; what portion of the budget was devoted to it; and how its efficacy was monitored. She would also like to know whether programmes had been established to promote female entrepreneurship and empowerment, especially in rural areas and including through access to credit and loans.

35. **Ms. Acosta Vargas**, drawing the State party's attention to the new general comment No. 34 on the rights of rural women, said that internal conflicts and the continuing military presence in rural areas were having a significant impact on women, particularly since acts of violence committed against them by members of the military were often kept silent for fear of reprisals. She would like to know how the zero-tolerance policy against sexual misconduct by military personnel was applied in rural areas; what measures were in place to protect women from acts of sexual violence; where women could lodge complaints; how many acts of aggression had been reported; and how many persons had been prosecuted for such acts. She would also like to know whether rural women had the opportunity to participate in peace processes, and, if so, within what framework; and whether compensation was paid to women who had been displaced from their lands.

36. **Ms. Haidar** said that, in the light of the United Nations High Commissioner for Human Rights' recent report to the Human Rights Council, which highlighted the systematic and systemic discrimination and policies of exclusion and marginalization in Myanmar, the human rights situation of Rohingya Muslims and other minorities remained of utmost concern to the Committee. The peace negotiation and reconciliation process would, however, be an opportunity for the Government to fulfil its human rights responsibilities to all persons under its jurisdiction. In that connection, she asked what action the Government was taking to investigate all past and recent human rights violations and abuses in a prompt, thorough, impartial and independent manner; how it planned to

ensure the smooth transition from decades of military rule to a civilian Government, particularly since reports suggested that the police and local authorities were still under military control; what measures were envisaged to break the cycle of impunity and promote accountability in the interests of justice, reconciliation and the protection of the human rights of all people in Myanmar; and whether it intended to put an end to discriminatory policies and practices and repeal discriminatory laws, especially with regard to promoting democratic process and the rule of law.

37. Despite the information provided by the State party in its responses to the list of issues (CEDAW/C/MMR/Q/4-5/Add.1), the Committee still had concerns about the recently enacted laws on the protection of race and religion. Several international bodies had found those laws — which related to population control, marriages for Buddhist women, religious conversion and monogamy — to be in contravention of human rights standards as well as the Myanmar Constitution. Since the National League for Democracy, which now had a government majority, had opposed the adoption of those laws, would the Government consider amending or repealing them and, if so, when?

38. Lastly, she would be interested to know what measures had been put in place or were envisaged to protect women human rights defenders and the rights of peaceful protesters.

39. **Ms. Naw Hla Hla Soe** (Myanmar) said that women enjoyed full and equal rights to earn a livelihood and participate in the economy without discrimination. By way of example, women had been granted 44 per cent of all import and export licence applications issued by the Department of Trade in the first half of 2016 and a microfinance project aimed primarily at women heads of household had to date benefited some 2.8 million people, 98 per cent of whom were women. There was, however, a need to strengthen the capacities of women in the areas of economic and political leadership, and Myanmar was committed to that endeavour.

40. **Mr. Min Kyaw Thu** (Myanmar) said that the procedure for investigating and prosecuting military personnel accused of rape or sexual violence against women was summarized in paragraphs 34 and 35 of the responses to the list of issues. Citizens also had the option of submitting complaints of human rights violations, including sexual violence, to the Myanmar National Human Rights Commission, besides reporting them to the media.

41. **Ms. Naw Tha Wah** (Myanmar) said that the World Bank had provided additional funding to extend the Community Driven Development Project, which was to be expanded from 15 to 63 townships, in order to provide impoverished rural populations with access to infrastructure and services, enhance capacity-building for rural people and improve the Government's emergency response mechanisms. A key aim of the project being to promote women's participation, women were represented on all project committees and a gender perspective was incorporated into all individual village-level projects.

42. The Ministry of Border Affairs' 41 vocational schools provided training for women that enabled them to acquire the skills necessary to launch their own businesses. Since 1991, more than 61,000 women had received such training, and more than 19,000 of them were now self-employed.

43. **Ms. Lynn Malar Lwin** (Myanmar), referring to article 354 of the Myanmar Constitution on freedom of expression, culture, religion and customs, said that the different religious groups followed their own customary marriage and succession laws. The Government's view was that the four laws on the protection of race and religion did not contravene international laws. The special marriage law for Buddhist women, for example, regulated the marriage of Buddhist women to non-Buddhist men and its purpose was to prevent the forced religious conversion of those women. The law on religious conversion was also designed to prevent forced conversions; penalties were applied only to those

persons found to have converted another person against their will. The law on monogamy was simply intended to encourage married couples to practice monogamy.

44. **Mr. Min Kyaw Thu** (Myanmar) said that the Government was committed to resolving the issues surrounding landownership. A committee had been set up to review land acquisitions and appropriations, while the hardships caused to landholders as a result of land confiscations were being investigated by a parliamentary commission. In a similar vein, some 120,000 acres of land had already been returned to the rightful owners, and Farmland Use Certificates had been issued to 95 per cent of farmers to facilitate right of ownership and access to mortgages and other such services. Lastly, the national land-use policy was in the final stage of drafting and would pave the way to the enactment of a comprehensive national land law.

Articles 15 and 16

45. **Ms. Nadaraia** asked what steps had been taken or were envisaged by the State party to harmonize its civil, religious and customary law with the Myanmar Constitution and with article 16 of the Convention. Similarly, she wondered what measures had been adopted to complete the country's legal reforms in the area of marriage and family relations and thus bring the legislative framework into compliance with articles 15 and 16 of the Convention. She asked how the special marriage law for Buddhist women, which exclusively regulated the marriage of Buddhist women to non-Buddhist men, guaranteed all women the right to choose a partner and freely enter into marriage; whether any research had been conducted into marriage, its dissolution and family relations in general, and, if so, whether any remedial measures had been adopted as a result; what the purpose of the recently adopted monogamy law was, given that polygamy was defined and criminalized in the Penal Code; and how the authorities ensured that the provisions on adultery were not applied in a manner discriminatory to women. Lastly, she would be interested to know what action had been taken to lift the orders concerning marriage authorization and restrictions on pregnancies and reproductive rights for Muslim women in Rakhine State.

46. **Mr. Ko Ko Shein** (Myanmar) said that every effort had been made to align the four race and religions laws with the Convention. Naturally, the Committee's concerns would be conveyed to the Government.

47. **Ms. Haidar** said that she wished to reiterate that, despite the delegation's assertions to the contrary, those laws had been found to be incompatible with international human rights standards by several international agencies, including UN-Women. She urged the State party to consider the reports of those bodies and take steps to amend, and in some cases repeal, the laws in question. Lastly, she noted that she had not yet received a reply to her question regarding the national peace and reconciliation process and emphasized that it was a matter about which the Committee would be very interested to hear more.

48. **Ms. Acosta Vargas**, returning to the issue of land confiscations, said that she wished to know whether measures would be taken to raise awareness of women's rights to landownership under the Farmland Law of 2012. In that connection, she wondered whether the title deeds for land belonging to a married couple could include the woman's name alongside her husband's. Lastly, she asked whether women rural workers were covered by the minimum salary requirements set by law and whether they had access to the social security system.

49. **Mr. Ko Ko Shein** (Myanmar) said that peace and reconciliation was of the utmost importance to the Government in Myanmar. The peace negotiation and reconciliation process had not yet been finalized; it was critical that the concerns of all the ethnic groups involved be first taken into account. The issues raised by the Committee would, however, be duly noted and conveyed to the Government.

50. **Mr. Maung Wai** (Myanmar) said that the dialogue with the Committee had presented an important opportunity to demonstrate the progress so far made in Myanmar in terms of promoting and protecting women's rights. Moreover, the important questions and insightful observations of the Committee members had served to underscore the areas in which the country needed to do more. The Government was committed to addressing the concerns raised by the Committee and looked forward to receiving its forthcoming concluding observations.

The meeting rose at 5.05 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-fourth session

Summary record of the 1409th meeting
Held at the Palais des Nations, Geneva, on Friday, 8 July 2016, at 10 a.m.

Chair: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of France

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of France (CEDAW/C/FRA/7-8 and Add.1; CEDAW/C/FRA/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of France took places at the Committee table.*

2. **Ms. Rossignol** (France), introducing the State party's eighth and ninth periodic reports (CEDAW/C/FRA/7-8), said that the principle of gender equality underpinned the activities and working methods of all governmental departments. Gender equality was mainstreamed into situation analyses and training of officials, and gender diversity was promoted in administrative and management positions. The public budget allocation for such measures stood at around €30 million a year, with the total amount dedicated to women's rights and gender equality standing at around €221 million a year. In addition, gender impact assessments were conducted before bills were brought forward; companies were required to meet gender equality criteria in order to win procurement contracts or renew multi-year agreements; the status of the High Council for Gender Equality, which monitored implementation of measures under the cross-cutting policy on gender equality, had been strengthened; and additional resources had been allocated to the National Consultative Commission for Human Rights. Inequalities were more readily identified owing to improvements to monitoring and evaluation systems. Moreover, communication tools were under development to raise awareness of actions carried out within the framework of the policy on gender equality.

3. A network of 130 representatives for women's rights, coordinated by the Department of Women's Rights and Equality, ensured that the policy on gender equality was implemented throughout the country. The representatives worked in cooperation with stakeholders at the grass-roots level and ensured the participation of civil society in awareness-raising. The gender and development strategy for the period 2013-2017 ensured that the gender perspective was taken into account in all international activities. In 2013, the State party had set aside €350 million for international projects on gender equality and, in 2014, it had allocated €256 million to reproductive health.

4. The Act on Substantive Equality between Women and Men of 4 August 2014 was fully implemented. Through the development of a raft of legislative provisions and working methods, and the cooperation and empowerment of stakeholders at all levels, significant progress had been made in the areas of education, employment, sexual and reproductive health and ending violence.

5. Legislation had been introduced to combat stereotypes and an action plan was in place to teach pupils about equality at school. In accordance with an interministerial agreement, efforts were made to ensure gender diversity in all subject areas throughout the education system. In addition, universities were required to appoint representatives for gender equality, and the gender equality charter had been signed by the Ministry of Higher Education and Research, under which universities undertook to adopt measures towards gender balance in academic courses and gender equality in the workplace. Employment legislation introduced in 2015 required employers to assess workplace gender equality and quality of work life. A national framework agreement had been signed with the national employment agency Pôle emploi to strengthen gender diversity in the workplace, improve job quality for women and encourage female entrepreneurship. A platform for gender diversity in professions had also been launched in 2014 that targeted key industries and trades that both lacked gender balance and generated employment.

6. Under the policy on gender equality, sexual and reproductive health care was guaranteed for all women and efforts had been made to provide better medical coverage to girls and women. Legislation had therefore been amended to facilitate women's access to abortion; a law had been introduced to ensure free contraception and counselling for girls; and a helpline had been set up to provide information on sexuality, contraception and abortion, managed by the French Movement for Family Planning.

7. High priority was given by the Government to the prevention of violence and the support and protection of women victims of violence. The interministerial plan for preventing and combating violence against women for the period 2014-2016 provided for the strengthening of follow-up and support for victims, including launching a nationwide helpline for violence against women; posting social workers in police stations to provide victims with appropriate social, legal or medical assistance; and distributing mobile phones for women who had been granted protection orders.

8. Within the framework of the public policy to combat trafficking in persons, legislation had been strengthened and a national coordinating body had been established. The definition of trafficking had been amended in line with international instruments, and the right of residence had been extended for victims of trafficking. In addition, the 2016 law on combating the prostitution system had been introduced, which criminalized the exploitation of women by prohibiting and punishing the purchase of sexual services and recognized that women involved in prostitution were not sex workers but rather victims of violence. Legislation enacted in 2015 paid special attention to asylum seekers in vulnerable situations and the reform of the French Office for the Protection of Refugees and Stateless Persons provided for specific protection of victims of trafficking and gender-based violence. Some 4,000 girls and their families had been granted refugee status owing to the risk of female genital mutilation in their countries of origin. Under the road map of the Ministry of the Interior, reception and support procedures and help with learning the language for migrant women had been improved.

9. The composition of the Government had been bound by gender parity rules since 2012. In 2014, more than 30 per cent of members of the executive boards of major companies were women. The commitment to substantive equality between men and women was also reflected in the strengthening of family policies to enable women to achieve a work-life balance and, for that purpose, 275,000 places to care for children were being set up.

10. Among the most tenacious glass ceilings that stood in the way of genuine equality were the sexist stereotypes, behaviour and language that continued to stigmatize and delegitimize women and, to that end, an interministerial agreement had been concluded to foster a culture of gender equality in the education system, strengthen teaching of mutual respect and encourage gender diversity in courses of study. Efforts were also being made to eradicate sexist stereotypes in textbooks and in the media.

Articles 1 to 6

11. **Ms. Schulz**, noting that the Convention was rarely invoked in court decisions, asked what training on the Convention was envisaged for judges, magistrates and other relevant officials, such as police and social assistants. She asked whether the possibility to take group or class action in employment cases would be extended beyond unions to women's and human rights associations; whether class action was also provided for in cases involving access to goods and services; whether ad hoc victims' groups could take action; whether the provisions of the law concerning class action could be applied retroactively; and whether class action would aim at putting an end to violations and at obtaining compensation for damages. Would funds be made available in order help women bring such action?

12. She asked whether the Government envisaged implementing the Defender of Rights' recommendations to provide for a narrower definition of discriminatory harassment in the bill on equality and citizenship and, with respect to the provisions on sexual harassment in the bill on the modernization of the justice system, to introduce civil remedies in cases of sexual harassment outside the workplace and a redefinition of the burden of proof. She asked whether the revision of certain laws would ensure full recognition of multiple discrimination in legal proceedings, whether training for legal officials would cover that concept and whether the question of multiple discrimination might be systematically incorporated into all public policies.

13. Details would be appreciated of measures taken to guarantee for refugees and asylum seekers shelter and access to care inside and outside all camps and in waiting areas along borders. She would also welcome further information on their rights and on the processing of their applications for asylum. Were they in accordance with the Committee's general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women? She wondered whether the Government might put an end to processing the applications of women from so-called safe countries through the accelerated procedure as a matter of course, abolish the list of those countries, which was not consistent across Europe, and establish more specific grounds for processing an application under the accelerated procedure.

14. She asked whether the local authorities were provided with adequate resources for meeting their responsibilities under the bill on equality and citizenship for the promotion of gender equality. Given the absence of statistics on ethnic and religious groups, which prevented discrimination against them from being measured, she asked whether data-collection methods might be updated through a revision of the law concerning information technology, files and freedoms. Further information would be appreciated on the collection of more detailed data disaggregated by region and sex.

15. She asked whether the gender perspective was systematically taken into consideration in strategic discussions with countries that bought weapons produced in the country. In the light of the high proportion of French arms sales to zones marked by conflict or the risk of conflict, could the effectiveness of the State party's monitoring mechanisms be guaranteed to prevent the violation of women's human rights by means of those weapons?

16. **Mr. Vinquant** (France) said that the overriding objective of public policies on gender equality was the enjoyment of rights in practice, which was why the Act of 4 August 2014 had been entitled the Act on Substantive Equality between Women and Men. The law on consumer protection provided for class action procedures in cases involving access to goods and services and the safety of medicines and health products.

17. **Ms. Gilberg** (France) said that, while it was true that the Convention was rarely invoked before the national courts, it had nevertheless been invoked before the Court of Cassation. However, the Court had not cited the Convention to date, because the arguments put forward in applications for reviews of judicial decisions based on the Convention had not been substantiated. The possibility of invoking several articles of the Convention had been recognized in various decisions taken by the Council of State since 2001.

18. **Mr. Vinquant** (France) said that the Government focused heavily on combating multiple discrimination, particularly that faced by women with disabilities. Training and integration measures were included in various interministerial plans to that end, such as the plan for preventing and combating violence against women.

19. **Mr. Clavreul** (France) said that at the core of all governmental policies and plans to address racism, anti-Semitism and homophobia was the resolute mission to eliminate all forms of discrimination, and combating discrimination against women was always at the

forefront. Departmental government officials working in the field of women's rights were systematically involved in national policy work. Currently, around 250 initiatives against racism and anti-Semitism at the local level were being undertaken, many of which targeted women, particularly women from migrant or minority communities, to facilitate their access to citizenship and the labour market. There were plans to include in the bill on equality and citizenship a section on defamation or insult on grounds of racial origin as an aggravating circumstance with respect to all offences of discrimination so that cases of multiple discrimination could be more effectively prosecuted in the courts.

20. **Mr. Vinquant** (France) said that the available data collected on civil status provided adequate information on the various types of discrimination that women might encounter. In addition, the authorities were making tremendous efforts to address inequalities by requiring impact studies to be carried out in relation to all draft legislation, including planned reforms of the pension system. Ministry budgets should also take into account the impact of public spending on the situation of women. France had taken a steadfast position against requesting individuals to declare their ethnicity or race since 1945. Any resulting gaps in information were offset by in-depth studies and anonymous questionnaires designed to measure the discrimination that specific categories of the population might face on account of their cultural, ethnic or religious background. For example, a very ambitious study had been launched on violence against women in both metropolitan France and the overseas territories.

21. **Mr. Clavreul** (France) said that the Constitutional Council had ruled in 2007 that data on ethnicity were unconstitutional because they were not objective. Moreover, there was a risk of placing population groups in a category with which they did not themselves identify, in contradiction with the country's universalist approach. However, the ban on data broken down by race and ethnicity did not apply to the collection of data on religion and gender, and much research work, such as the study *Trajectoires et origines* (Paths and Origins) containing questions on the origins of respondents' parents, was available to shed light on discrimination and to better inform public policies.

22. **Mr. Leschi** (France) said that all persons in the country, including asylum seekers and persons in an irregular situation, had the right to State-funded medical assistance. All asylum seekers were given an allowance. Three quarters were housed in special accommodation or hotels and the remainder received an extra stipend to cover their housing needs. Particular attention was paid to the situation in Calais: 1,500 women had been placed in separate facilities; the health condition of migrants, especially minors, was closely monitored by civil society organizations; and teams made daily rounds of the camps to inform the migrants of their rights and encourage them to apply for asylum. In addition, a system to transfer migrants from the camps to reception and guidance centres had been set up at the end of 2015, benefiting nearly 5,000 migrants, regardless of whether or not they had applied for asylum. France had a unique procedure whereby all foreign nationals in need of medical treatment who could demonstrate that they did not have effective access to appropriate health care in their country of origin could apply for a temporary residence card for medical reasons; some 42,000 applications were submitted each year. It was the French Office for the Protection of Refugees and Stateless Persons that ruled on granting subsidiary protection, and the list of safe countries of origin was set by the Office's board, which was independent of the Government.

23. **Ms. Doublet** (France) said that the law amending the asylum system had overhauled procedures and considerably strengthened the guarantees for all persons concerned, especially women. For instance, the French Office for the Protection of Refugees and Stateless Persons could, if a case warranted it or a person was particularly vulnerable, reclassify asylum applications that had initially been fast-tracked and shift them to the ordinary procedure. The possibility of reclassification was available regardless of where the

application had been filed. If a person was considered particularly vulnerable, alternative, more appropriate accommodation could be provided. The Office also had the authority to reclassify countries of origin. Other safeguards had been put in place; for example, the Office's board membership had been widened to ensure equality, countries had to be considered safe for women and men alike in order to be placed on the safe country list and women's organizations could appeal to the board to remove a country from the list. While the migrant camps were illegal, they were an issue of concern for the Government, and their inhabitants were seen first and foremost as victims.

24. **Mr. Vinquant** (France) said that, pursuant to recent laws on decentralization, the powers of the local authorities had been more clearly defined. The local authorities were actively involved in the promotion of the various policies on equality and funded organizations whose services, for example in the area of sexual and reproductive health, complemented those provided by the State.

25. **Ms. Laurens** (France) said that France was staunchly committed to combating weapons trafficking and that there was a general legislative and regulatory framework for bans on the transfer of weapons. The sale of weapons was permitted only on the presentation of a State-issued licence whose approval process took into account a number of factors, including respect for human rights and international humanitarian law. France systematically ensured that its weapons exports were in line with its international commitments, the provisions of the Arms Trade Treaty, in particular article 7 (4) on gender-based violence, and relevant common positions of the Council of the European Union.

26. **Ms. Gilberg** (France) said that the bill to modernize the justice system had been submitted to the parliament and was scheduled for discussion the following week. It provided a common procedural basis for all group actions, before both the ordinary courts and the administrative courts, and covered a number of areas, such as labour relations and access to goods and services. Logically, group actions would be possible for acts that predated the law's eventual entry into force, the date of which was not yet known. Parties to a group action would be entitled to compensation. Regarding the burden of proof, she said that group actions differed from class actions insofar as they could be brought by associations, including women's rights organizations, which were only required to present model cases. Victims that had not taken part in the group action could then request to be included in the initial ruling.

27. **Ms. Schulz** asked how the authorities ensured that persons who wished to claim asylum in France did not turn to smugglers to facilitate their journey to the country. Noting that there was often a gulf between what the law permitted and what actually happened in practice, she also asked what proportion of asylum claims handled under the fast-track procedure were shifted to the ordinary procedure. She pointed out that the former director of the National Institute for Demographic Research had decried the hypocrisy of the current statistics system and the gaps in knowledge that remained despite frequent in-depth studies.

28. **Ms. Arocha Domínguez** said that she was not convinced that administrative decentralization would truly facilitate the realization of women's rights at the local level without effective coordination with the central authorities. She regretted that the report lacked information on the overseas territories, which she would have liked to see represented in the delegation.

29. **Mr. Vinquant** (France) said that international instruments were included in the curricula of law students. In addition, considerable work had been carried out with the National College of the Judiciary and police academies to ensure that personnel who registered complaints were particularly made aware of issues involving violations of women's rights.

30. **Ms. Moiron-Braud** (France) said that the Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking was mandated to take part in the development of a national training plan for all professionals likely to come into contact with women victims of violence. It had created four training kits designed for different target audiences, each consisting of a video and guide, which were accessible to persons with hearing impairments. All the training tools made ample reference to the Convention, and over 200,000 professionals had received training thus far. The Mission had also developed a model medical certificate for use as evidence in any subsequent investigation or trial and information booklets for women victims.

31. **Mr. Leschi** (France) said that the French Immigration and Integration Office, together with the French Office for the Protection of Refugees and Stateless Persons, had missions in Lebanon, Jordan, Greece and Italy to identify persons, especially women, who were liable to fall prey to smugglers. Steps were being taken to set up another such mission in Turkey. The Government had put in place special emergency measures in response to the Yazidi crisis. Many Yazidi women had been brought directly to France where they had been placed in special housing and given assistance tailored to their needs.

32. **Mr. Clavreul** (France), stressing that France was opposed to statistics on ethnicity because there was only one race, namely the human race, said that data could be collected on other useful characteristics, such as national origin, gender identity and religious belief. A scientific board made up of 20 high-level researchers and academics had been set up to improve the authorities' understanding of various issues. While it maintained the Government's position regarding race and ethnicity, it had stated that available data should be made public and be used more efficiently.

33. **Ms. Gilberg** (France) said that only associations that had been accredited for at least five years could bring a group action. However, the Civil Code did not prohibit class action suits for victims of discrimination.

34. **Mr. Vinquant** (France) said that the delegation was competent to discuss the overseas territories and departments. While overseas departments were required to implement all provisions of French law, the two overseas territories could amend legislation and implement their own provisions. Separate reports on the two territories were contained in the addendum to the periodic report (CEDAW/C/FRA/7-8/Add.1).

35. **Ms. Alcade** (France) said that preparation for the interactive dialogue had involved representatives from the overseas departments and territories. While the State provided ongoing assistance to them, particularly with regard to funding, they were trusted to implement legislation according to their own cultures; cultural differences occasionally caused difficulties regarding women's rights. Their need to coordinate with neighbouring countries made decentralization a necessity.

36. **Ms. Schulz** asked whether the State party envisaged reducing the length of time that an association must have existed before being able to bring class action and whether that possibility would be extended to ad hoc groups.

37. **Ms. Gilberg** (France) said that it was unlikely that that requirement would be changed and there were no plans to allow ad hoc groups to bring class action.

38. **Ms. Haidar** said that the establishment of the Ministry of Families, Children and Women's Rights seemed to diminish the centrality of women's rights. She wished to know what proportion of the Ministry's human and financial resources were allocated to gender equality. She asked how the numerous sectoral plans relating to equality were coordinated, how their impact and accountability were measured and whether they had the necessary capacity, expertise and resources.

39. The High Council for Gender Equality appeared to be the only institution devoted exclusively to gender equality. She asked how competences were divided between the High Council, the National Consultative Commission for Human Rights and the Defender of Rights. She wished to know what resources were allocated to each of those bodies and what percentage of total public spending they received. She asked whether the High Council for Gender Equality had been established by law. The resources of the National Consultative Commission for Human Rights seemed insufficient. She wondered to what extent were its views implemented. She would appreciate information on the agents of the Defender of Rights, particularly concerning their presence throughout France and in the overseas departments and territories. Lastly, she asked whether the mandate of the Interministerial Committee against Racism and Anti-Semitism would be broadened to include Islamophobia.

40. **The Chair**, speaking as a member of the Committee, said that while the requirement for gender parity in the Government was commendable, not all women benefited from it. She asked whether the State party envisaged adopting temporary special measures, including quotas, to ensure that disadvantaged groups were represented.

41. **Ms. Rossignol** (France) said that the multiple responsibilities of the Ministry of Families, Children and Women's Rights allowed it to ensure that all of its policies contributed to women's rights; for example, the provision of childcare allowed single mothers to work. Furthermore, it guaranteed consistency across related policies, such as those addressing violence against women and violence against children. The Ministry also covered all aspects of women's rights that did not relate to other policies, such as equality in the workplace and women entrepreneurs.

42. **Ms. Seydoux** (France) said that the interministerial policy on gender equality was coordinated by a department of the Directorate-General for Social Cohesion that implemented activities relating to the rights of women through its national network in France and the overseas departments and territories. The department also allocated resources; it had received €27 million in 2016, and €16 million had been allocated to overseas territories in recent years. The department also received and responded to feedback from the network regarding the situation on the ground. The network, which met several times a year, had been strengthened by recent reforms to overseas territories, and the Government had increased the budget for promoting gender equality policies significantly since 2012.

43. **Mr. Vinquant** (France) said that a network of high-ranking officials from all ministries had been established and met regularly. It produced annual equality road maps that described each ministry's policies on diversity and the promotion of women to positions of responsibility. The High Council for Gender Equality had been established by law in 2013 and its mission renewed in 2016. Although it had a staff of just five, all members were involved in producing its views and reports, and it worked closely with NGOs and civil society.

44. The Defender of Rights provided mediation between citizens and the authorities by considering individual cases that were referred to him or her, or submitted directly. He or she could also make general recommendations. Furthermore, 60 per cent of those recommendations were followed, and there was a positive outcome in 80 per cent of individual cases. The overall budget for the Defender of Rights was €27.5 million, although there was no specific breakdown for the amount spent in relation to the rights of women or statistics on the number of complaints of violations of their rights. However, there was evidence that complaints of discrimination on grounds of pregnancy, family situation or gender were increasing rapidly.

45. The National Consultative Commission for Human Rights was an independent authority that addressed all fundamental rights, including those relating to women and gender equality. Its resources had increased, although it was not known what proportion were dedicated to activities relating to the Convention.

46. **Mr. Clavreul** (France) said that 2015 had been marked by a significant increase in both anti-Semitic and Islamophobic attacks. Protection was a priority, and many mosques were monitored by the special services and the police. Efforts were being made to prevent all forms of racism, which was a crime and should be prosecuted as such, regardless of the perpetrator. Campaigns had been launched in schools and other settings to combat prejudice and highlight the contribution of Muslims to the country's history. Those measures had been successful; attacks had decreased by almost 80 per cent in the first five months of 2016 to the lowest levels since records had begun to be kept. Muslim women were the victims in most Islamophobic attacks; that trend was being monitored.

47. **Mr. Leschi** (France) said that in recent years, a great many mosques had been built thanks to legislation that allowed places of worship to be constructed at a low price and with public funding. Efforts had also been made to cater for Muslims in other areas, for example in the prison system and the armed forces.

48. **Ms. Rossignol** (France) said that while parity was ensured in elections with a list system by requiring the alternation of one man and one woman on candidate lists, that was not possible in elections in which only one candidate was returned in each constituency. Parties were fined if they failed to put forward a sufficient number of women candidates, although they occasionally preferred to pay the fine. Election lists in overseas departments and territories comprised local individuals, meaning that there was greater diversity among elected officials than in mainland France. However, the parity law had led to a fairer representation of French citizens in elections.

49. **Ms. Haidar** asked what percentage of the Government's overall budget was allocated to the Ministry of Families, Children and Women's Rights and the National Consultative Commission for Human Rights.

50. **Ms. Rossignol** (France) said that there were no statistics on the exact budget allocated to gender equality, which was promoted by all ministries and authorities. Local authorities were, however, required to report on their budget and plans for gender equality.

51. **Mr. Vinquant** (France) said that government spending on training and unemployment benefits for job-seeking women and direct government spending on children and families should also be added to the budget referred to in the cross-cutting policy paper on gender equality. The Government would endeavour to improve its cost accounting system with a view to tracking more closely the budgetary resources allocated to the implementation of the Convention, and to present the relevant figures in a more accessible manner to Parliament and the general public. Every effort would be made to include the figures in question in the country's next periodic report.

52. **Ms. Haidar** said that the absence of statistical data and a tool for measuring progress undermined the effectiveness of the State party's policy on gender equality. She hoped that the State party's next periodic report would contain more qualitative and quantitative data on the impact of the policy and the budgetary resources allocated to its implementation.

53. **Ms. Gabr** said that the continued prevalence of sexism in French society was chiefly attributable to the persistence of stereotypical attitudes about the roles and responsibilities of women, which, despite being less visible, were still very much a part of the national mindset.

54. The Committee was deeply concerned by the plight of migrant women and women from an immigrant or an ethnic minority background in view of the disturbing rise in xenophobia and Islamophobia following the recent influx of migrants into the country and the recent terrorist attacks. The stance on immigration adopted by certain political parties also served to exacerbate those phenomena. Furthermore, the social rejection of those women often exposed them to multiple forms of discrimination. Regrettably, the families of young migrant women or young women from an immigrant or ethnic minority background often played a role in reinforcing gender stereotypes by presenting traditional roles as the only option available to them, thereby curtailing their participation in French society and the full enjoyment of their rights. She asked how the State party facilitated the social integration of those young women while ensuring respect for their cultural identity and upbringing. It would be useful to receive statistical data on the number of acts of violence committed specifically against women.

55. Notwithstanding the reduction in the prevalence of female genital mutilation and early and forced marriage recorded in mainland France, she would be interested to know how many cases of such practices had been recorded abroad and what had been the State party's approach to stopping them given that it did not collect statistical data on the girls and young women who were most at risk.

56. Given the significant influence of the French press, she asked whether the State party planned to introduce a code of ethics aimed at ensuring respect for female journalists and to include a gender equality component in journalism courses. The high prevalence of sexism in the mass media and the limited participation and visibility of women in sports programmes and talk shows was also a cause for concern. She asked what progress the State party had made in eliminating negative stereotypes of women in the mass media and increasing the number of women playing a leading role in television and radio programmes.

57. Turning to the education sector, she asked how the impact of policies and programmes for the promotion of gender equality in schools and teacher training was assessed.

58. **Ms. Leinarte** said that she welcomed the adoption of Act of 13 April 2016 prohibiting the purchase of sexual services, which recognized prostitutes as victims of gender-based violence and forged a clear link between prostitution and human trafficking for the purpose of sexual exploitation. Noting that the Act provided for an exit strategy for the many women wishing to leave prostitution, she asked what interim and long-term support was provided to those women, both in terms of vocational training and psychosocial care. Could women who still engaged in prostitution also benefit from such support?

59. While acknowledging the role of the Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking in mobilizing efforts to combat all forms of violence against women, she wished to know whether the national action plan to combat human trafficking for the period 2014-2016 had succeeded in strengthening prosecution and international cooperation, and whether police officers had been provided with training on dealing with the crime of human trafficking and upholding the rights of victims.

60. Noting that, under the Code of Entry and Residence of Aliens and the Right to Asylum, female victims of trafficking could be issued with a temporary residence permit if they cooperated with the police, she asked whether female victims of trafficking who were not willing to cooperate were consequently denied such a residence permit. The Committee was also concerned over how few cases of human trafficking were reported, how few investigations were conducted and how few convictions for that crime were obtained. Moreover, it appeared that the efforts devoted to identifying potential victims of trafficking,

collecting the necessary statistical data and addressing human trafficking for purposes other than sexual exploitation were insufficient. She asked how the State party intended to remedy those shortcomings and to ensure effective coordination and the availability of adequate human and financial resources to tackle all forms of human trafficking occurring in the country.

61. **Ms. Rossignol** (France) said that, although France already had a robust legislative framework for promoting gender equality, the Government was conscious of the need to adapt it to changing needs and the constantly evolving situation on the ground. To that end, it had adopted new measures to facilitate access to justice and to combat negative gender stereotypes. Despite the progress made in reducing their prevalence, women continued to encounter negative gender stereotypes and sexism in all sectors of society and in their interpersonal relationships. It should be recalled that negative gender stereotypes and sexism affected both men and women.

62. The Government had used the statistical data on the participation and representation of women in television and radio programmes compiled by the Higher Council for the Audiovisual Sector to formulate and include gender equality targets in the agreements that it concluded with State-run television and radio networks. A recently adopted law would allow the Government to take a similar approach when concluding agreements with advertising companies. However, sexism could not be fought solely through the adoption of legislative measures. It was necessary to educate and spur into action persons and entities that continued to transmit sexist stereotypes and portray women in a negative light. The Government worked in partnership with representatives of the media and advertising industry to devise ways and means of eradicating sexist stereotypes from their work. It also devoted efforts to encouraging women and their supporters to fight against sexist stereotypes wherever they encountered them. A large-scale campaign to address negative gender stereotypes and sexism in all sectors would be launched in late 2016. In France, all citizens were entitled to protection against racism and hate crimes, irrespective of their religion or beliefs, and to exercise their right to free speech, opinion and expression.

63. **Mr. Vinquant** (France) said that the Ministry of Education, in cooperation with the Ministry for Women's Rights, oversaw efforts to combat gender stereotypes at all levels of education.

64. **Ms. Pétreault** (France) said that one of the main aims of the French education system was to promote gender equality through combating gender stereotypes from the earliest age. In late 2016, a new moral and civic education programme, which included a gender equality component, would be introduced for students at all levels. Under the national action plan to promote gender equality in schools, teaching staff were provided with special teaching materials and training on a continuous basis. Gender equality objectives were also being integrated into school development plans. The effectiveness of those and other measures taken under the plan was assessed by the national education inspectorate through visits to schools and through dialogues held with the decentralized education authorities. There were also plans to introduce a new system for collecting information relating to gender equality in schools. An increase in the uptake of subjects or courses that were traditionally the domain of one particular sex by members of the opposite sex could also serve as an indicator for progress towards achieving gender equality in education. Furthermore, a new methodology for appointing members to secondary school student councils would soon be introduced to ensure that a more even number of boys and girls served on such councils. The number of girls occupying a position of responsibility on such councils could also serve as an indicator for gender equality in schools.

65. **Mr. Leschi** (France) said that the Government was aware of the prevailing negative perception of migrant women and women from an immigrant or minority background in French society. When conducting programmes to assist new migrants, the competent

authorities impressed upon migrant women and their families that, in France, religious law had no place in State policies or government affairs and that they were required to abide by French civil law and to respect the rights of women enshrined in it, regardless of their religious affiliation.

66. **Ms. Gisand** (France) said that the Act of 5 August 2013 had introduced two new offences related to female genital mutilation to the Criminal Code. Firstly, any person who made any kind of promise or offered gifts or other incentives to a minor, or pressurized him or her into undergoing an act of genital mutilation, or, secondly, who incited a third party to perform such an act on a minor, even when the act was not performed, was liable to 5 years' imprisonment and a fine of €75,000. The penalties prescribed by the Criminal Code for female genital mutilation varied according to the impact of the act on the victim and whether any aggravating circumstances applied. However, the Criminal Code punished such acts regardless of motive or the religious or cultural background of the perpetrator. The perpetrator of the mutilation and the guardian of the mutilated child could face prosecution for acts of violence causing mutilation or permanent disability and, if convicted, were liable to 10 years' imprisonment and a fine of €150,000. The penalty was increased to 15 years if the permanent mutilation was performed on a minor who was under 15 years of age and to 20 years if the perpetrator was an ascendant or other relative of the minor or a person having authority over him or her.

67. **Ms. Laurens** (France) said that a campaign to prevent forced marriage abroad had been launched in 2014 and that a dedicated e-mail address, managed by French consular officials, had been set up for reporting actual or suspected cases of forced marriage. Cases of actual or suspected forced marriage were typically reported by family members, friends, associations working in that area or educators. In 2015, around 40 forced marriages had been reported, the vast majority of which had been annulled by a judge. Upon receiving a report of an actual or suspected forced marriage, the Ministry of Foreign Affairs took steps to prevent the minor from leaving the national territory and, if that was no longer possible, coordinated with the consular officials in the country in question to prevent the forced marriage and to facilitate the return of the minor to France. French consular officials received special training on the appropriate procedures for handling cases of forced marriage. Guidelines on how to care for and support victims of forced marriage and on how to detect lack of consent in marriages entered into abroad had also been issued. However, only a small proportion of the victims of forced marriage were returned to France owing to a lack of awareness of the phenomenon and the established procedures for addressing it. The Ministry of Foreign Affairs was aware of the need to step up its efforts in that area and, to that end, had organized a special awareness-raising event in November 2015. The foreign travel advice web page of the Ministry included information on the risks of forced marriage. An interministerial guide on the risks associated with female genital mutilation and how to support victims abroad had also been published.

68. **Mr. Vinquant** (France) said that the Act of 13 April 2016 prohibiting the purchase of sexual services and thereby recognizing prostitutes as victims of gender-based violence served as an important tool for the implementation of the national plan to combat violence against women and the national action plan to combat human trafficking for the period 2014-2016.

69. **Ms. Seydoux** (France) said that the exit strategy for women wishing to leave prostitution was a key component of the aforementioned Act, as it offered them an effective and sustainable alternative to that practice. Some €2.6 million had been allocated for the implementation of the strategy through a dedicated fund. Departmental prefects and a group of relevant professionals were responsible for implementing the strategy. A special committee decided on a case-by-case basis whether a woman wishing to leave prostitution met the requirements to benefit from the services and assistance available under the strategy.

Specialized associations provided women with accommodation, medical care, psychological support, childcare services and facilitated their reintegration into the labour market. Under the strategy, foreign women who were in an irregular situation and therefore unable to access social security benefits or legally work were provided with a subsistence allowance and a residence permit, which could be renewed when their case was reviewed after six months. If a woman wishing to leave prostitution stopped frequenting the association to which she had been assigned, her entitlement to services and assistance under the exit strategy was suspended, not revoked. She could continue to benefit from those services and assistance if and when she decided to return, provided that the term of her entitlement had not expired. The legislation necessary for the full implementation of the exit strategy would enter into force either in late 2016 or early 2017.

The meeting rose at 1 p.m.